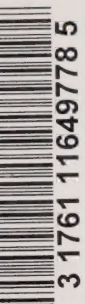


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Ontario. Loyal commission inquiry into
labour disputes.
Chargé. At 18. April 1912

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ROYAL COMMISSION
INQUIRY INTO LABOUR DISPUTES

563
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HEARINGS HELD AT
HAMILTON

VOL. NO.

DATE

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April 10, 1967

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Toronto, Ontario

IN THE MATTER OF The Public
Inquiries Act, R.S.O. 1960,
Ch. 323

- and -

IN THE MATTER OF an Inquiry
Into Labour Disputes

BEFORE: The Honourable Ivan C. Rand,
Commissioner, at Hamilton,
Ontario, on Monday, April
10th, 1967.

E. Marshall Pollock Counsel to the Commission

APPEARANCES:

Mr. J.E.R. Brown,) United Electrical
Chairman) Radio and Machine
Workers

Mr. T.L. Davidson,)
Area Representative)

Mr. D. Fitzgerald)

Mr. J. Schofield,)
Chairman Stewards')
Council)

Mr. F. Stewart Cooke,) Hamilton & District
President) Labour Council of the
Canadian Labour
Mr. Hugh Usher,) Congress
Vice-President)

Mr. Charles K. Eleveld

Nethercut & Young Limited, Official Reporters, 48
York Street, Toronto, Ontario. Per T.F. Conlin.



Hamilton, Ontario

April 10th, 1967

---On commencing at 10:00 a.m.

MR. POLLOCK: This is a
resumption of the public hearings of this Royal
Commission and it is the opening session of the
Hearings in Hamilton.

The first group this morning is
the United Electrical Radio and Machine Workers
of American, Local 520, Mr. J.E.R. Brown,
Chairman.

Gentlemen, I can tell you at the
outset that the Commission and I have read with
considerable interest your submission, and the
manner of presentation is up to yourselves and
I would perhaps suggest that you adopt an
approach taking into account the fact that we
have both read it and deal with the matter in
summary fashion so that we may ask some questions
about them and raise some other points that
are raised in your brief in more detail and
perhaps ask a few that are not covered by the
brief. Mr. Davidson is the area representative
of the United Electrical Workers in Hamilton.

MR. DAVIDSON: I would like to
know who we are addressing here.

THE COMMISSIONER: Mr. Pollock is
counsel for the Commission.

MR. DAVIDSON: We have noted



1 that you have read the brief. However,
2 first of all, I would like to correct that
3 the presentation is on behalf of the Hamilton
4 Legislative Action Committee, Local 520
5 and 504.

6 I can understand that the
7 Commission has read our brief and we would
8 prefer, sir, to read our brief to you. We
9 think it is quite important that the proper
10 emphasis be placed on it. Mr. Brown, our
11 Legislative Chairman, will read the brief
12 to you.

13 MR. POLLOCK: Would you like
14 us to wait until you have completed reading
15 your brief before we ask questions?

16 MR. DAVIDSON: Yes, we would
17 prefer that. (Brief is read into record.)
18
19

20 MR. POLLOCK: Thank you,
21 Mr. Brown. Now there are some questions
22 arising out of your presentation that we
23 would be obliged if you and Mr. Davidson
24 would answer.

25 On the third page you
26 suggest that:

27 "The outcome of a strike
28 is never guaranteed.

29 The worker faces
30 the possibility of many



1 weeks or months without income.
2 He faces possible interference
3 in the strike by Government,
4 courts, police, management"
5 et cetera. Now could you tell me what interference
6 in a strike that you would have by, firstly,
7 government?

8 MR. BROWN: Not in the first
9 instance, no.

10 MR. DAVIDSON: It doesn't
11 necessarily mean by government, but we have had
12 certain situations where the government has
13 refused to act on behalf of the workers, at the
14 request of the workers to call a meeting.

15 MR. POLLOCK: So it is the
16 refusal of the government to interfere that you
17 are complaining about?

18 MR. DAVIDSON: It is the negation
19 of their responsibility in certain situations.

20 MR. POLLOCK: But you say he
21 faces possible interference in a strike by
22 government.

23 MR. DAVIDSON: Well, if you want
24 to take a look at a situation where it has
25 happened, we will just take a look at the railway
26 workers in the recent negotiation of their
27 contract. We just have to look at Premier
28 Smallwood denying not even the right of the workers
29 to get into contract negotiations. We just have
30 to look at the question of Premier Johnson in Quebec



1898

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1 to refuse the right of the teachers to continue their
2 strike. Now please let me finish. We just have to
3 look at the question of the Premier of Saskatchewan
4 refusing to let the oil workers conduct their
5 strike and go on. We just have to look at the
6 question of Premier Bennett refusing to let the
7 several groups of trade unions in that province
8 continue to carry on their strike.

9 MR. POLLOCK: Now are you
10 finished Sir?

11 MR. DAVIDSON: Yes.

12 MR. POLLOCK: What experience
13 in United Electrical Workers has there been
14 government interference in any strikes?

15 MR. DAVIDSON: I am not
16 suggesting that.

17 MR. POLLOCK: Well, next, as
18 far as the courts are concerned - when did they
19 interfere with a strike?

20 MR. DAVIDSON: Well you know,
21 I suppose, Mr. Pollock, from your experience,
22 that we have had judges sign petitions preventing
23 workers from reducing their picket lines to
24 three and four while, at the same time, by an
25 amazing coincidence, several hundred police show
26 up. If you want a situation where we have had
27 two policemen assigned for several months in
28 the Wallace Barnes strike, two policemen were
29 felt sufficient at any one time.

30 MR. POLLOCK: I don't want to

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1 stop you, but I want to go through these in order
2 so that I can understand your brief. Now we
3 are at the "courts".

4 MR. DAVIDSON: Well, I am getting
5 at that point if you will let me finish. We
6 have a situation where two policemen are assigned
7 to the picket line, apparently for several
8 months of this and it seemed to be quite
9 sufficient. But then the court orders an
10 injunction on the basis of evidence that they
11 don't have to justify one iota, as you well
12 know.

13 MR. POLLOCK: Well, they swear
14 to it, that is evidence.

15 MR. DAVIDSON: Well, they may
16 swear to it but I don't know what kind of
17 evidence that is when the other party doesn't
18 have a chance to tell his own evidence.
19 Are you suggesting that because I am going to
20 tell you something today that you are going
21 to agree with everything that I say, is that
22 what you are suggesting?

23 MR. POLLOCK: Well, I would
24 certainly agree more with what you say if you
25 are under oath than if you weren't.

26 MR. DAVIDSON: Well, that may
27 be the answer. All we have to do is take the
28 oath and tell you our side and you are going
29 to believe it. The fact is that the courts,
30 after they issue the injunctions, coincidental



1900

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Toronto, Ontario

1 with that injunction, the picket lines are
2 reduced to three or four people, or to none
3 and all of a sudden there are three or four
4 hundred police around.

5 THE COMMISSIONER: Have you a
6 copy of that injunction?

7 MR. DAVIDSON: Not with me, sir.

8 MR. POLLOCK: Have you a copy
9 of the affidavits that went with them, that
10 were filed to obtain the injunction?

11 MR. DAVIDSON: Do you mean on
12 behalf of the company? I don't know if we
13 have those affidavits.

14 THE COMMISSIONER: What happened
15 when it was proposed to extend the injunction, or
16 when the injunction didn't drop?

17 MR. DAVIDSON: That injunction
18 there came about because four people came down
19 to the plant gate who had never spent one hour
20 on the picket line and they had been working on
21 other jobs during the whole course of the
22 strike and had never had any economic problem
23 and they

24 THE COMMISSIONER: The injunction
25 was extended, wasn't it, after four days?

26 MR. DAVIDSON: Yes, it was
27 extended.

28 THE COMMISSIONER: Well, what
29 happened?

30 MR. DAVIDSON: That is what I



1 am suggesting, sir. Those four people came
2 down to the picket line and they had never done
3 one hour on the picket line and had never been
4 involved in the strike. They came down there
5 and said they wanted to go into the plant. We
6 discussed it with those people and they went
7 away.

8 THE COMMISSIONER: Why did they
9 go away if they wanted to go into the plant to
10 work?

11 MR. DAVIDSON: I don't know.

12 THE COMMISSIONER: Well, now
13 you are of keener intelligence than that. You
14 know perfectly well why they didn't go in,
15 because it wasn't safe for them to go in.

16 MR. DAVIDSON: Mr. Commissioner,
17 I suggest to you that those people came down
18 there with no intention of going into that plant -
19 absolutely none. They were advised exactly
20 to go down to the plant and stand there for a
21 number of moments and then leave and all the
22 time the company had the cameras on the situation
23 and I happen to know, sir, because I was one
24 of the persons who talked to them.

25 THE COMMISSIONER: Well, what
26 happened?

27 MR. DAVIDSON: Well, they
28 went away and applied for an injunction on the
29 basis that these four people were not allowed
30 to go into the plant. But I happened to be



1 one of the people talking to them and nobody
2 ever prevented them. In fact we said to them,
3 "We know why you are here. You are here to
4 go into the plant and try to create a situation
5 on which this company hopes to create an
6 injunction. Therefore, we are telling you to
7 go into the plant; the door is open".

8 THE COMMISSIONER: Did you
9 examine the material before the application
10 was applied for?

11 MR. DAVIDSON: Not myself, but
12 our lawyers did.

13 THE COMMISSIONER: Well, what
14 did they say in these affidavits?

15 MR. DAVIDSON: The company
16 said that these four people

17 THE COMMISSIONER: I mean
18 on the application to extend it. You see
19 that first ex parte injunction was only good
20 for four days. Now, when the four days were
21 up and they asked to extend it, what did the
22 union do? Did it consent to the extension?

23 MR. DAVIDSON: Not that I can
24 recall.

25 THE COMMISSIONER: Well, it
26 has done so in many cases.

27 MR. DAVIDSON: Well, we didn't,
28 we didn't agree to that.

29 MR. RAND: Well, did you attempt
30 to examine any of these persons who had given



1903

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1 sworn affidavits?

2 MR. DAVIDSON: No, because I
3 think the company used additional material as
4 well as the original. They then claimed that
5 there were other incidents along the line.

6 THE COMMISSIONER: But what
7 was the effect of the new affidavits?

8 MR. DAVIDSON: That the company
9 had an extension.

10 THE COMMISSIONER: No, but what
11 was the nature of the contents of the affidavits?
12 What did they say?

13 MR. DAVIDSON: That these people
14 had been prevented from free access to the plant.

15 THE COMMISSIONER: Then admit,
16 in fact, and I haven't any doubt that the
17 affidavit did mean that they were prevented
18 either by force or a threat of force.

19 MR. DAVIDSON: That is what they
20 claim.

21 THE COMMISSIONER: That is what
22 they claim, I see that. I really think that
23 you prejudice your case by not admitting that
24 at the outset. We all know that these things
25 take place.

26 MR. DAVIDSON: But I am telling
27 you, Mr. Commissioner, that I happened to be
28 one of the people talking to those four people
29 and we tried to encourage them to go into the
30 plant because we knew that they were there to



1904

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Toronto, Ontario

1 do this.

2 THE COMMISSIONER: Yes, you told
3 me that once. Now let me ask you a question.
4 What I want to get here are the realities of
5 what took place. Did you sign an affidavit
6 setting forth what you now tell me?

7 MR. DAVIDSON: I can't recall at
8 the moment.

9 THE COMMISSIONER: Did you sign
10 an affidavit setting forth anything?

11 MR. DAVIDSON: I believe we did,
12 yes.

13 THE COMMISSIONER: Did you,
14 personally?

15 MR. DAVIDSON: No, I didn't.

16 THE COMMISSIONER: Well, why
17 didn't you when you knew the facts?

18 MR. DAVIDSON: I would think
19 our other representatives

20 THE COMMISSIONER: Well, you are
21 a representative, of course, and you said that
22 you knew the facts and you were there and you
23 said, "Go in". Why didn't you set that forth
24 on an affidavit?

25 MR. DAVIDSON: I don't know, it
26 may have been, but I can't recall those facts.
27 It was some time ago.

28 THE COMMISSIONER: Well, we will
29 look at the affidavits sometime - we can't do it
30 now - and see exactly what was before the court.



1905

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1 It is the easiest thing in the world to say that
2 the court acted on nothing at all, because that
3 is not the way the courts act. They may act on
4 information that isn't strictly true because
5 that is the result of the evidence that is
6 presented.

7 MR. DAVIDSON: Well, perhaps
8 you could tell me, sir, with your experience,
9 how is it that court injunctions and numbers
10 of police seem to go together? When a company
11 gets a court injunction limiting picketing to
12 four after many weeks of peaceful picketing on
13 the part of strikers, all of a sudden they seem
14 to be hand in hand. I wonder why that would be?

15 THE COMMISSIONER: But the police
16 are generally to keep order.

17 MR. DAVIDSON: When the picketing
18 has been reduced to four, why would they need
19 more police?

20 THE COMMISSIONER: Because the
21 picketing may change in its conduct. Now, just
22 let me point out here - on page 17 it indicates
23 your ideas. On page 17:

24 "....to limit picketing when
25 the workers resented the
26 obvious provocation of the
27 Company in driving trucks
28 through the workers' picket
29 lines."

30 What is the exception underlying that? Wouldn't



1906

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Toronto, Ontario

1 you consider, when there is a picket line there,
2 that these trucks had no business to be driving
3 through?

4 MR. DAVIDSON: That is, of course,
5 what we are proposing to the Commission.

6 THE COMMISSIONER: Well, that's
7 all right, then submit that now. What right
8 have you to prevent under our law - to prevent
9 a truck from being driven into premises that
10 don't belong to you?

11 MR. DAVIDSON: Under our law
12 we have no right, but we are saying to change
13 to law so we will have.

14 THE COMMISSIONER: But in the
15 meantime, you are going to change them all by
16 your own action, are you?

17 MR. DAVIDSON: Well, I think
18 there is something a little more fundamental
19 than that.

20 MR. RAND: Well, just answer
21 the question then you can make your explanation.
22 You think you have a right to exclude or prevent
23 that truck from going in?

24 MR. DAVIDSON: I think there is
25 an emotional consideration on the part of
26 strikers and, whether the law says so or not,
27 the laws have been changed over the years as
28 you well know, and I think the striker feels
29 that he has a right to protect his job, yes.

30 THE COMMISSIONER: Well, that is



1907

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1 perfectly frank and I think it is perfectly true.
2 He may feel that, but it isn't a question of it
3 being lawful because he feels that this man who
4 goes in there is a traitor to him and his group.

5 MR. DAVIDSON: No , but you see
6 if people didn't fight against existing law, we
7 would be still operating under the combination
8 laws, wouldn't we?

9 THE COMMISSIONER: That is true,
10 but you know people who try to obtain a change
11 of law that way, don't complain about the
12 punishment, they accept the punishment.

13 MR. DAVIDSON: No, they don't
14 complain about it.

15 THE COMMISSIONER: They complain
16 about the law and then they are not true people
17 who indulge in what they call civil disobedience.
18 Civil disobedience is one form of manifesting
19 in the opinion of the people involved that certain
20 laws ought to be changed, that they are unjust,
21 and they say "I am violating the law and liable,
22 under the law, to punishment and I accept my
23 punishment". But there is no protest. Now
24 that is civil disobedience, and you can't twist
25 that into an idea that they are going to conceive
26 not what they know not to be the law, but that
27 which they feel ought not to be the law to
28 enforce that by their own actions. Now, that
29 is the basis on which the court acts. If
30 you want to address your protest to the



1908

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1 legislature, because the legislature has made
2 provision for the giving of injunctions of
3 this sort specifically.

4 MR. DAVIDSON: Well, if you
5 don't mind my suggesting, sir, I think you
6 are a little bit in dreamland.

7 THE COMMISSIONER: I am just
8 as much on earth as you are, let me tell you.

9 MR. DAVIDSON: Yes, I know you
10 are.

11 THE COMMISSIONER: Don't talk
12 about dreamland here.

13 MR. DAVIDSON: Well, I am suggesting
14 that if you have a situation where a law
15 continues to react against a large section
16 of society, that if those who are responsible
17 for changing those laws refuse to take any
18 action in that connection, then I suggest to
19 you that that section of society has got to
20 react in a different way than you would like
21 it to react.

22 THE COMMISSIONER: I wouldn't
23 deny that at all. But all I say is that you
24 have the great majority of society against you.
25 Now, are you going to dominate by minority?

26 MR. DAVIDSON: Well, that is
27 a question of opinion when you say a great
28 majority of society is one way or the other.
29 The largest section of society is the working
30 people, you know.



1909

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1 THE COMMISSIONER: And do you
2 think you have all the working people with you?
3 In this case here, how do you express your
4 attitude towards these men who don't agree with
5 you?

6 MR. DAVIDSON: Sure, we call
7 them scabs.

8 THE COMMISSIONER: Really, you
9 are just as ruthless to the working men who
10 don't agree with you as the so-called capitalist is.

11 MR. DAVIDSON: Now, Mr.
12 Commissioner

13 THE COMMISSIONER: That is
14 exactly what is shown by this statement.

15 MR. DAVIDSON: Now, Mr. Commissioner,
16 I want to say this: If you think we are being
17 ruthless, we happen to know a little bit of
18 what goes on in the law association, you see.
19 Now, it might be concluded that the resolution
20 of this problem would be for us to agree with
21 what the law society does to their erring
22 members. They don't say

23 THE COMMISSIONER: I am not
24 talking about them, I am talking about you and
25 when you talk about dreamland --- . Now, just
26 a moment, please, and let me finish. I am
27 saying that in this submission, which is well
28 expressed, but which really puts the case
29 forward in an absolute form without the slightest
30 consideration of any other interest or any other



1910

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1 views or any other desires. I don't object to
2 that, but it is the fact. You have indicated
3 that anybody who doesn't agree with you is
4 either a scab or a person who ought to be
5 treated very ruthlessly. Now, there is no doubt
6 about it, that that is the result of generated
7 emotionalism. You think they are betraying
8 your cause and, to a certain extent, they are.
9 All I am suggesting is that you are only
10 human.

11 Now, the only effect of this is,
12 I hope, to let us talk the words of actuality.
13 When you say that the courts are doing this and
14 that and the other thing without any basis,
15 let us see what is the reality there, because
16 courts don't act like that.

17 MR. DAVIDSON: Well, Mr.
18 Commissioner, I have all this stuff here and
19 if you want to go through this business of how
20 the courts have reacted from your point of view,
21 I would suggest that you would conclude that
22 the courts have acted in a proper manner and
23 carried out their function as you figured.
24 I am including old Judge Garry
25 who is a judge and he ended up the President of
26 the country.

27 THE COMMISSIONER: Don't think
28 for a moment that I am not aware of the general
29 tendency of human nature, and when you say
30 the generated emotion, you are telling a fact and



1911

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1 I think you are describing the fact and that
2 everybody is susceptible to that sort of
3 generation. So the so-called capitalists and
4 the so-called labour men are pretty much at
5 the end, they have their same interests and
6 the interests conflict and the first essential
7 to the proper appreciation of that is a
8 realization of what actually those actions were
9 and actually what the purposes were. Now,
10 that is all I am speaking of. I am just as
11 sympathetic to the workers of this world as
12 you are.

13 MR. DAVIDSON: Well, I am not
14 suggesting that there is any insincerity on
15 your part at all, sir. I want to make that
16 clear.

17 THE COMMISSIONER: No, I don't
18 mean to imply that.

19 MR. DAVIDSON: But, you see,
20 when you talk about being ruthless, I want to
21 cite an example. That is a matter of opinion,
22 isn't it? Because the example I wanted to use
23 was the law society. Now, if you - and if you
24 will let me finish - if you people find out that
25 one of your members is errant, or has not paid
26 his dues, or whatever happens, you kick him
27 right out. You don't say to him "Get out and
28 instead of practicing your law in Toronto you
29 are going to do it in Hamilton, or Oakville
30 or somewhere else". You say "You are out and



1912

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Toronto, Ontario

1 you are out of a job". Now we wouldn't even
2 want to go that far.

3 THE COMMISSIONER: Your immediate
4 point is that we have listened to two workers,
5 two union men in the course of this Inquiry, who
6 made a very moving appeal against the way
7 they were treated by their fellow unionists.
8 So we do know something, and all I say is that
9 you can be as ruthless as the capitalists.

10 MR. DAVIDSON: As the law
11 association, sir.

12 THE COMMISSIONER: It could be,
13 but the other thing is that a lawyer is not
14 treated that way unless he has misconducted
15 himself in the interests of the public.

16 MR. DAVIDSON: Well, we
17 conclude that but, you see, we are not suggesting
18 anything else. We say an organization is
19 established in a plant and that organization
20 has a membership and that organization, by its
21 members, make decisions. In our organization
22 and in many other trade unions that I know of,
23 if there is disagreement with the decisions made,
24 then the members have a right through that
25 organization to change that decision, and if
26 they are going to change it, if a person is
27 part of that organization and he agrees with
28 the decision or disagrees with the decision
29 made, it is made by the majority, doesn't
30 he then have the responsibility to abide?



1913

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1 His way of changing - or if he is not in agreement
2 with continuing on strike - is it not logical
3 that he should try to change that decision
4 within the organization and not to take action
5 on his own which would be separate and apart
6 from the rest of the organization. You see,
7 if you conclude anything else what you are saying
8 is that you have an organization and it would
9 be quite all right for 100 other people to be
10 going in every which way direction.

11 THE COMMISSIONER: Well, you
12 are just destroying the first case you put
13 in the relation of the union to the public.
14 The public represents the union. The public
15 constitutes the great majority that make the
16 law and you think that unionists should obey
17 the majority of the union? I don't quite
18 understand that. I can quite understand
19 and
20 that/from certain points of view he should.
21 So should the individual not try to impose
22 his view in place of law as you think the
23 individual union shouldn't try to impose
24 his view against the view of the majority.

24 MR. DAVIDSON: But there is
25 quite a difference.

26 MR. POLLOCK: It is your
27 example, and there may be quite a difference,
28 I will agree with that.

29 MR. DAVIDSON: There is quite
30 a difference when you are talking about the



1914

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1 class of people, you are talking about the
2 majority of the people being ordinary people.
3 When you are talking about scabs, you are
4 usually talking about a handful of strike
5 breakers who have been rounded up by the
6 company who are the people who try to impose
7 their view on the majority.

8 THE COMMISSIONER: Yes, and
9 you are trying to impose your view of the law
10 on the majority. Now, the thing to do is to
11 modify it. I agree that there has been a
12 hesitation, but why? Because if you had been
13 in the position of the capitalist, you would
14 have done the same thing. In crude terms, you
15 have your property and it was yours and today
16 you recognize it. If I want to do as I please
17 over your land, will you allow me, or will you
18 resent that?

19 MR. DAVIDSON: But I am not
20 suggesting there is any problem of personal,
21 private property, Mr. Commissioner.

22 THE COMMISSIONER: But don't
23 you see that everything that is done here is
24 to some extent a modification of the absolute
25 rights over private property?

26 MR. DAVIDSON: But that is what
27 the fight is all about.

28 THE COMMISSIONER: Of course
29 it is. Now put yourself in the position that
30 you were just as close and insistent upon - now



1915

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1 just a moment, please - the rights of respecting
2 your property as anybody is including those
3 whom you call the employers, or the capitalists.

4 MR. DAVIDSON: Yes, but I
5 happen to think there is quite an imbalance there.

6 THE COMMISSIONER: Of course
7 there is an imbalance and, insofar as economic
8 power, that imbalance is the determining factor,
9 that is quite true. But what we are trying to
10 work out is the condition of society in which
11 we would substitute reasonableness for
12 arbitrariness. That is the problem.

13 MR. DAVIDSON: What you are
14 suggesting, sir, is that there would be no
15 class conflict. I would agree with you and
16 hope that that would be the situation.

17 THE COMMISSIONER: I am suggesting
18 that that is the end of society or society would
19 destroy itself, that is all.

20 MR. DAVIDSON: Well, I don't
21 see that our proposals here are that radical
22 that we are going to destroy society.

23 THE COMMISSIONER: I am not
24 suggesting that, but this has led to this from
25 your attitude. In this submission, really, if
26 a person read that he would say "What about the
27 other side?" You make no concession to the
28 other side. You make no concession to any
29 reasonable difference of opinion from yours.
30 That is all right if we understand it that way



1916

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Toronto, Ontario

1 and that is the way I understand this and I take
2 it that in your conception of a picket line as
3 you, in one paragraph, explained it or expressed
4 it, you say the law would enable you to say
5 that this plant has got to stop because 90 per
6 cent of the workers say so. Now that is a
7 rational consideration if you can arrive at it,
8 but let us not cover it up. Let us accept it,
9 and then you say that the picket line should
10 not be interfered with if that is its purpose
11 and that is its effect and that is a question
12 that arises as a social phenomenon - that is
13 a third-rate expression here, a social phenomenon.
14 All I am emphasizing is that we may as well be
15 frank about these things as in that case so
16 that we know exactly what the conditions are
17 which you seek to modify. And it may be very
18 easy to understand that some modification ought
19 to be brought about. Now, that is what we
20 are here to determine.

21 MR. DAVIDSON: Well, I didn't
22 know we weren't frank. In fact, I thought by
23 your words you said we were rather blunt about
24 our position, and we intend to be blunt about it.

25 THE COMMISSIONER: Well I can
26 take as much bluntness as you and perhaps a
27 little more. Now, that will clear the way
28 for an open discussion.

29 MR. POLLOCK: Let me ask you
30 about the type of union security, if we are going



1917

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Toronto, Ontario

1 to use that example of strike. What type of
2 union security did you have in the plant at
3 the time of the strike?

4 MR. DAVIDSON: At the time of
5 the strike I believe we had the revokable
6 check-off.

7 MR. POLLOCK: When you conduct
8 a vote, I see that you require 70 per cent of
9 the members voting in the plant. Is that
10 members of the union or members of the unit?

11 MR. DAVIDSON: Members of the
12 union, yes.

13 MR. POLLOCK: So you could
14 conceivably have a situation where you had
15 a hundred employees of the unit and 25 members
16 of the union and 13 people voting in favour
17 of the strike, that would carry the strike
18 vote, if it was a simple majority, or 20, so
19 that you would have more people being opposed
20 to the strike than were in favour of the strike.

21 MR. DAVIDSON: Well, if you
22 have any brains in the first place, Mr. Pollock,
23 the 25 members of a plant out of a hundred, you
24 are not striking. It is not a very good example.

25 MR. POLLOCK: Well, what do
26 you quarrel with? What part of the example
27 do you quarrel with?

28 MR. DAVIDSON: Well, I said
29 that any union . . .

30 MR. POLLOCK: Would you take



1918

Nethercut & Young

Toronto, Ontario

1 30 or 35 or 40 or 45 or 50? I don't want to
2 quarrel with you, Mr. Davidson, but you are
3 being unreasonably objectionable.

4 MR. DAVIDSON: Well, I am sorry,
5 but I don't agree with you.

6 MR. POLLOCK: It is not a
7 question of you not agreeing, but I just want
8 to know what part of that example would be
9 suitable. You have a number of people in the
10 plant who are not called upon to vote. They
11 are workers in the plant; they don't vote on
12 your union. You have a voluntary revokable
13 check-off. They are not members of your union.

14 MR. DAVIDSON: That is right.

15 MR. POLLOCK: And you are not
16 called upon to vote in your determination of
17 whether the plant should go on strike.

18 MR. DAVIDSON: Well, that is
19 generally the case. We have had situations where
20 even non-members have been allowed to vote.

21 MR. POLLOCK: Well why are
22 they not to vote on the question of the political
23 analogy? Why should the whole constituency
24 not be entitled to vote if you are going to stop
25 them coming into work?

26 MR. DAVIDSON: They have a perfect
27 right to join the organization unless there is
28 some reason that they wouldn't be able to join.

29 THE COMMISSIONER: But they
30 didn't pay any dues.



Nethercut & Young

Toronto, Ontario

179

1 MR. DAVIDSON: That is right,
2 so why should they make decisions in the
3 organization? It wouldn't be acceptable to
4 you to have the public decide what your
5 association should do.

6 MR. POLLOCK: Is the normal
7 union security clause at all your plants a
8 voluntary check-off?

9 MR. DAVIDSON: They vary all
10 over the place. There are some shops that we
11 have contracts with that have no check-off at
12 all and the dues are collected by hand right
13 up to the point where it is compulsory check-off
14 of dues.

15 MR. POLLOCK: Do you have union
16 shops as well, that is a union shop where you
17 have to be a member of the union to work in
18 the plant?

19 MR. DAVIDSON: I don't think we
20 have any that have gone that far.

21 MR. POLLOCK: So the highest
22 level you would have would be a Rand formula
23 shop?

24 MR. DAVIDSON: Yes.

25 THE COMMISSIONER: Have you
26 some of the...

27 MR. DAVIDSON: Modifications
28 of them, yes sir.

29 THE COMMISSIONER: I don't
30 remain of the same opinion.



1920

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Toronto, Ontario

1 MR. POLLOCK: So, in those
2 plants you have the same rules that if they
3 aren't members of the union, even though
4 they are paying the dues under the check-off,
5 they still don't get a vote to determine whether
6 there is going to be a strike?

7 MR. DAVIDSON: They are not
8 allowed to participate in the decision making
9 of the organization unless they are members.

10 MR. POLLOCK: That was the
11 whole purpose of my question, thank you.

12 Now, at the opening of your brief
13 you talk about the right to strike. Can you
14 tell us what is included in that term, "the
15 right to strike"? Now we understand that the
16 examples you have given of the early reference
17 to Lincoln and those people, the right to
18 strike was the withdrawal of your labour. You
19 weren't a slave and you could withdraw your
20 labour. In addition to the withdrawal of your
21 labour, what else is included in the right to
22 strike?

23 MR. DAVIDSON: Well, I think
24 that is the right that we are concerned about,
25 the right to withdraw your labour.

26 MR. POLLOCK: Then there is
27 no question that today, in the Province of
28 Ontario, you can withdraw your labour. You
29 can go much further than in Lincoln's time and
30 you can do more than quit. That was his comment.



1 THE COMMISSIONER: What do you
2 think he meant by the word "quit"?

3 MR. DAVIDSON: I think he is
4 talking about the right to strike in this
5 instance.

6 THE COMMISSIONER: What is
7 involved in the right to strike in relation
8 to the shop or factory?

9 MR. DAVIDSON: Well, it seems
10 to me that the right to strike is the right
11 to withhold your labour with the possibility
12 of going back to that employment.

13 THE COMMISSIONER: Well, that is
14 what I think is necessary, that you don't
15 intend to sever your relations, but you see
16 that modifies the ordinary contract of employment.
17 In England, certainly until the last few years
18 and up to this moment, you must terminate your
19 employment before you strike or you are guilty
20 of a breach of contract. In this country we
21 don't recognize that.

22 MR. DAVIDSON: Well, that is
23 a recent development, now, isn't it? In the
24 Province of Quebec, when the teachers were
25 refused the right to exercise their strike
26 to enforce their economic demands, where there
27 was a freeze put on wages and the teachers went
28 on strike and then being forced back into work
29 under Bill 25, they said "We will resign" and
30 the government said "You will not resign because



1 we will pass legislation that says you can't
2 resign until the term of your contract is up.

3 THE COMMISSIONER: Well, I
4 would like to see legislation of that sort,
5 with this qualification, that if you make a
6 contract and then break it, the law doesn't
7 say that you must carry it out except in very
8 exceptional circumstances and it won't do it
9 at all affirmatively. It may do it negatively.
10 If you promise to work for me and not for
11 somebody else, they won't make you work for
12 me but they will prevent you from working for
13 him. If you don't want to work at all, that
14 is your privilege. You don't have to work
15 in our civilization at all. You have to live,
16 I agree, but in the early theories, it was
17 the individual who stood out from the mass and
18 who provided a means of activity or means of
19 working for the other people, and it was on
20 that basis that it was his individual enterprise
21 and that it might have been his idea or his
22 intention and he was an outstanding man either
23 mentally or physically and he was the one who
24 carried so many with him in his ideas. That
25 is what it sprang out of.

26 MR. DAVIDSON: Well, that is
27 your opinion, sir.

28 THE COMMISSIONER: Well, is it
29 your opinion that it arose in any other way?

30 MR. DAVIDSON: Yes, sir.



1923

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1 THE COMMISSIONER: What way?

2 MR. DAVIDSON: Well, I don't
3 think the individual made history; I happen
4 to think that people made history and I think
5 it is the people that developed the individual
6 and not the individual who developed the people.

7 THE COMMISSIONER: They have
8 successfully, I think, reached the point where
9 they are in a position to determine their own
10 future even if it means destruction; but don't
11 try to tell me that the slaves of the past
12 weren't slaves because of the domination of
13 individuals.

14 MR. DAVIDSON: I suggest to
15 you, sir, that the reason they are no longer
16 slaves is because

17 THE COMMISSIONER: Of course
18 not, but I am talking about the commencement
19 of it.

20 MR. DAVIDSON: Well, I say,
21 again, it is a matter of opinion. I think
22 it happens to be the people who make history
23 and not individuals.

24 THE COMMISSIONER: Well, all
25 right. You have a perfect right to do that.
26 But we have private property. It arose out
27 of private property and private property means
28 the individual and you are a private property
29 owner, I have no doubt, and you don't want
30 anybody to interfere with that property.



1924

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1 MR. DAVIDSON: I would say that
2 if my private property was interfering with
3 the rights of other people .

4 THE COMMISSIONER: Well, it
5 is interfering in this sense, that there are
6 many people haven't that and they would like
7 to have it and you resist their attempt to get it.

8 MR. DAVIDSON: No, that is a
9 perfectly legitimate and honest desire on the
10 part of people, isn't it?

11 THE COMMISSIONER: And the
12 individual to hold it, yes, and the other people
13 to get, and you resent that and you resist it
14 to the utmost. If I tried to take your auto-
15 mobile from you, what would you do?

16 MR. DAVIDSON: I would think
17 you would have to have a very good reason to
18 try and get it.

19 THE COMMISSIONER: I would have
20 to have quite a bit of power to get it, yes.

21 MR. DAVIDSON: Well, if I conduct
22 my automobile all over the street in an erratic
23 way

24 THE COMMISSIONER: Now, don't
25 spread it into something else in the community.
26 I am thinking of what you can really see yourself,
27 is your attitude towards the same thing that the
28 capitalist has.

29 MR. DAVIDSON: But I am telling
30 you, sir, that if my property is getting in the



1985

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1 way of anyone's rights or is holding up
2 progress or stopping people from having a
3 decent standard of living because I want
4 to control it, then take it away from me.

5 THE COMMISSIONER: Yes, but
6 you are not following the argument at all
7 and there is not much sense in wasting time
8 on it.

9 MR. DAVIDSON: Well, I am
10 not agreeing with you.

11 THE COMMISSIONER: Well, you
12 are just like the rest of us and we are like
13 you. So don't delude yourself that you
14 have any difference in general attitude because
15 that is a biological question and we all come
16 from the same source, you know.

17 MR. DAVIDSON: Well, I think
18 I have a little different attitude to people
19 in general and many people feel a responsibility
20 to a dollar bill. I think there is quite a
21 difference between me and Mr. Westinghouse.

22 THE COMMISSIONER: I accept that
23 and I think you have undoubtedly cultivated an
24 appreciation of the difficulties of those who
25 aren't what we call as fortunate as other people.
26 I think sometimes it is a misfortune to acquire
27 too many things that will drag you down or
28 interrupt your course through life. But
29 assuming now - and I will assume that you are
30 animated by a sympathetic understanding of the



1926

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Toronto, Ontario

1 lives of people for whom life hasn't very much
2 to offer. We are trying to find out what the
3 whole society will agree to in the way of
4 modification, not only in modifying the so-called
5 rights, but in imposing obligations. You see,
6 the very law that you criticize is the law that
7 allows you to compel an owner of property to
8 negotiate with you. That is a tremendous
9 advantage that you must credit the law with; it
10 allows you to compel this man to come in and
11 bargain with you in good faith. But that is
12 on his own property, remember.

13 MR. DAVIDSON: But remember, sir,
14 and I am not suggesting that you don't agree
15 or understand, I am saying that we do have a
16 fundamental difference of approach. Now you
17 say that these things come about and I don't
18 know how, in your opinion they came about,
19 or how these laws came about or how this employer
20 all of a sudden is a nice fellow and is sitting
21 down . . .

22 THE COMMISSIONER: I am not
23 talking about his qualifications at all. I am
24 just talking about legislation.

25 Now, just a moment. I am
26 quoting legislature which represents you and
27 me and all of us.

28 MR. DAVIDSON: Well, you have
29 your opinion about how these things developed
30 and I have my opinion about how they developed and



1927

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Toronto, Ontario

1 I say they developed because the working people,
2 through their struggle to achieve a decent
3 standard of living, have brought about these
4 changes.

5 THE COMMISSIONER: Certainly,
6 and I am telling you the beginning of that
7 process, that is all. You are beginning at
8 the end and I am beginning at the beginning.
9 And all I say is that going through this modification
10 of the individual and his assertion of rights
11 we have to consider the rights or privileges
12 or indulgences and the desirability of others
13 too.

14 MR. DAVIDSON: I agree.

15 THE COMMISSIONER: For example,
16 take the question today of full employment. Who
17 is going to lead in that, the people without
18 great minds or the people who have initiative
19 and who are willing to risk and who are willing
20 to take bold steps in enterprise that other
21 people are doubtful of, or incapable of imagining?
22 There is one thing that you must keep in mind, you
23 must preserve the initiative of the individual.

24 MR. DAVIDSON: Well, all the
25 blames don't belong to capitalists, sir.

26 THE COMMISSIONER: No, but I
27 notice that even among labour leaders, the
28 best of them cease to be or play a passive
29 role. They want to act - they want to lead,
30 which is the proper thing. And they come to the



1928

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Toronto, Ontario

1 top because they see a bit further than the rest
2 of us. And I have no doubt that you feel the
3 same way and legitimately.

4 MR. DAVIDSON: Well, as I say,
5 we have a fundamental difference in approach.

6 THE COMMISSIONER: I don't think
7 we have any fundamental difference at all, but
8 we will leave that for the present. I think we
9 are quite in agreement, in fact.

10 MR. DAVIDSON: Well, I will
11 say this: that you have these people whom you
12 say are given leadership in the community
13 and society. I don't think for one minute that
14 working people wouldn't be capable of doing that as
15 well and I am not so certain that, in the
16 present system we have, would necessarily result
17 in our society stepping backwards.

18 THE COMMISSIONER: Well, all
19 this discussion is for is to elucidate your
20 conception of what a picket line can, today, do.
21 All I am suggesting is that by virtue of what
22 you can see that it generates emotionalism
23 and then it leads into passionate feelings in
24 which you can really stop your own unions at
25 the gate, and they have. Now that, I take as
26 a fact, and you say we ought to be able to do it.
27 Well, we will accept that as a proposition from
28 you, that you think you ought to be able to do
29 that. All I am suggesting is, that by doing that,
30 you are asking the law, and properly perhaps - I am



1929

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Toronto, Ontario

1 not questioning that at all - to impose a further
2 restriction upon the ownership of a plant.

3 MR. DAVIDSON: That is right.

4 THE COMMISSIONER: Well, then,
5 that is clear.

6 MR. DAVIDSON: Yes, we feel
7 that the organization existing in a plant now,
8 in modern days, an organization in Ontario existing
9 in a plant - or it exists because it had to go
10 through certain steps to, first of all organize
11 those workers and to organize those workers they
12 had to have them sign a union card and, under
13 our law, to collect a dollar, and they had to
14 sign up at least 45 per cent of those people
15 and, as a result of signing up 45 per cent of
16 those people, they applied to the government
17 board and this government board then examines
18 all of these cards and says, "We will order a
19 vote at this plant". Now, if the union is
20 successful, it will obtain a vote of more than
21 50 per cent of the people and therefore, can
22 now legally represent those employees in collective
23 bargaining with that company and the government
24 recognizes that it is the union's right to do
25 so on behalf of those employees.

26 However, in the course of those
27 negotiations with the union representing all
28 those employees, somehow if the negotiations
29 break down and a strike is necessary, the
30 government says, then, you don't represent all



1 those employees.

2 THE COMMISSIONER: No, it doesn't
3 say that at all; all it says is that you have
4 to go through certain procedures before you are
5 put into the position of freedom of action.

6 MR. DAVIDSON: That is right,
7 sir, yes.

8 THE COMMISSIONER: As far as
9 the union is concerned, it continues to represent
10 them.

11 MR. DAVIDSON: But are you
12 suggesting, then, that you can represent
13 employees without going to the government?

14 THE COMMISSIONER: What do you
15 mean by represent?

16 MR. DAVIDSON: Under the terms
17 of the Ontario Labour Relations Act, to represent
18 employees, even though they are not members of
19 the union, you can still represent them.

20 THE COMMISSIONER: You speak for
21 them; that is all.

22 MR. DAVIDSON: Yes, and the union
23 shall represent those employees.

24 THE COMMISSIONER: But what
25 effect has that? What happens after the
26 negotiation is off?

27 MR. DAVIDSON: Well, I am suggesting
28 to you, sir, that if the government says that
29 they recognize that the union is legally
30 representing those employees, then shouldn't it



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Toronto, Ontario

1931

1 be that those employees then should be the ones,
2 and only the ones, who make the decision whether
3 to strike, or whether it goes on or continues
4 or is concluded? Shouldn't it be that?

5 THE COMMISSIONER: I am conceding
6 that, but what for?

7 MR. DAVIDSON: Then we wouldn't
8 have to worry about scabs, would we?

9 THE COMMISSIONER: You mean
10 that the majority would control the whole union?

11 MR. DAVIDSON: The majority
12 would make the decision, yes.

13 THE COMMISSIONER: Well, that
14 is a proposition that is logical, of course.
15 But of course, the individual has something to
16 say about that. He says, "It is quite true
17 that I belong to the union, and I owe it a
18 certain allegiance, but the union is being
19 misled and I am not going to follow it". I
20 suppose that is what he may say.

21 MR. DAVIDSON: Yes, he may.

22 THE COMMISSIONER: All I say
23 is that you don't seem to conceive any possible
24 justification for that act.

25 MR. DAVIDSON: But that is
26 not true, Mr. Commissioner. I want to make it
27 absolutely clear that I think that the individual
28 has every right - and I say that he gets every
29 right in the trade union movement as I know it
30 today - to get up at any meeting of any union



1932

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1 I know of and freely and fully express his
2 opinion on this, that or the other subject.
3 It would be quite wrong on the part of this
4 Commission, to conclude that there is a
5 denial of the democratic process in most of
6 the unions as they exist today. The fact
7 is that members are getting up, as you well
8 know, sir, and expressing their views today
9 at a rate that was unheard of even five years
10 ago. People are getting up and putting their
11 positions and having them heard and either
12 rejected or accepted, but there is certainly
13 every right for the individual, to express
14 his views.

15 THE COMMISSIONER: Well, I am
16 not in a position to say.

17 MR. DAVIDSON: Well, I am, sir.

18 THE COMMISSIONER: You are, in
19 your own union, but you are not the only union.

20 MR. DAVIDSON: I said, "of the
21 unions I know".

22 THE COMMISSIONER: We have
23 had cases in which they weren't, it was a
24 personal fear.

25 MR. DAVIDSON: Unfortunately,
26 you are right, sir.

27 THE COMMISSIONER: So you know
28 we can't get Eutopia on either side of this
29 conflict.

30 MR. DAVIDSON: No , but I don't



1933

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1 think --- you know there is lots of democracy
2 in the trade union movement.

3 THE COMMISSIONER: Well, even
4 after the speech against it, your attitude
5 towards him is one of contempt and derision;
6 you call him a scab.

7 MR. DAVIDSON: It could be, yes.

8 THE COMMISSIONER: And you want
9 to be able to exercise over him an authority
10 that you are not willing to allow society
11 to exercise over you.

12 MR. DAVIDSON: Mr. Commissioner,
13 just on that point, when he joins an organization,
14 he has to agree to certain obligations, right?
15 He takes a oath of membership and he comes in
16 there to the membership of the organization
17 and he agrees to uphold that oath.

18 THE COMMISSIONER: Yes, and I
19 don't think we need waste any time on that.
20 I agree with you that it is a most annoying
21 thing and it is looked upon as disloyal and, in
22 one sense, it is. But we have that individual
23 and I say that we become members of a community
24 and we are citizens of this country, and yet
25 we are fighting with those who don't agree with
26 us as to what our laws and regulations should
27 be. So we have that conflict.

28 But, let's get down to more
29 concrete things; the exact content of your
30 conception of the picketing, which I take to



1934

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Toronto, Ontario

1 mean this, as you have frankly stated: By means
2 of members and by means of attitude and what may
3 be said and even expressed otherwise, to prevent
4 any intercommunication between the street and
5 that plant.

6 MR. DAVIDSON: Unless it is
7 vital to the safety

8 THE COMMISSIONER: And you will
9 agree that that plant, on the very assumption
10 that underlies your strike, that that plant
11 must be preserved because you look to the future
12 at that plant as being your means of livelihood.

13 MR. DAVIDSON: That is right,
14 sir.

15 THE COMMISSIONER: I think the
16 difficulty is that you haven't put it in any
17 philosophical form. How, in a theoretical
18 sense you can justify this imposition in
19 qualification upon the individual's
20 right to use his property as he pleases. Now,
21 have you any theory, except the mere assertion,
22 that you ought to have what you desire?

23 MR. DAVIDSON: Well, I would
24 say this, sir, that the private property that
25 we are concerned with in industry, I say this:
26 that there certainly is a responsibility on the
27 part of that group of people who control that
28 piece of private property; they have an
29 obligation far beyond the plant gates, far
30 beyond the street on which that plant is located,



1 they have a responsibility to not only the
2 employees working for them, but to the whole
3 of the community.

4 THE COMMISSIONER: Well, they
5 can lock the doors and never open them. They
6 can build a plant and close the doors and
7 never operate, can't they?

8 MR. DAVIDSON: Yes, that's right.

9 THE COMMISSIONER: They can
10 destroy it if they want to.

11 MR. DAVIDSON: Under our present
12 laws, yes.

13 THE COMMISSIONER: Then, on
14 what basis can you compel them to employ you
15 and give you work and a portion of the production?
16 What is your theory?

17 MR. DAVIDSON: In life the
18 only way you can do it is because they need
19 your labour.

20 THE COMMISSIONER: Well that
21 comes from their side, but from your side, what
22 do you theorize a right to compel them to open
23 the doors and take you in as a worker?

24 MR. DAVIDSON: Well, again,
25 you come back to the fundamental question; and
26 the fact is, as far as I am concerned personally,
27 it is my opinion that it is the workers of that
28 plant and some previous plant, or somewhere
29 along the line, who contributed to the wealth
30 of that company and provided for its very



1936

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Toronto, Ontario

1 existence to be there in the first place.

2 THE COMMISSIONER: But they were
3 compensated for that.

4 MR. DAVIDSON: Of course. As
5 I say, we have a fundamental disagreement.

6 THE COMMISSIONER: Weren't they
7 compensated for it?

8 MR. DAVIDSON: They were compen-
9 sated on the basis of what they forced the
10 employer to pay and what the labour market was
11 and the condition of the economy, and so on.

12 THE COMMISSIONER: Well, what
13 you are really doing, and I think it is an
14 interesting idea, is to establish some social
15 relation between that man and the plant.

16 MR. DAVIDSON: The worker, yes,
17 I see what you mean.

18 THE COMMISSIONER: Have you
19 attempted to explore that to see what the real
20 justification for that view is?

21 MR. DAVIDSON: Well the social
22 relationship is limited only to what he can
23 force the employer to pay him in a wage or
24 benefits or conditions of the work. You know,
25 there is a great difference in the conditions
26 of work today than there was 20 years ago.

27 THE COMMISSIONER: What brought
28 that about, do you think?

29 MR. DAVIDSON: I think it has
30 been the struggle of the people, sir, to improve



1937

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Toronto, Ontario

1 their lot in life. I think that has been the
2 only reason that conditions have changed.

3 THE COMMISSIONER: You haven't
4 had any labour governments in this country.

5 MR. DAVIDSON: Well, you see, s^r,
6 we haven't, no. You will see in this brief
7 that the condition is quite different in North
8 America than in any other country in the world,
9 in that there has not been a party of labour,
10 as it were, until recent history in Canada and
11 it is questionable whether there is one in
12 the United States, so that the working people
13 have had to come to rely, to a much greater
14 degree, on the trade union movement in these
15 countries for social change, than they have,
16 say, in Britain or some other country, where
17 they had a party that would seem to represent
18 them and, therefore, they see the possibility
19 of social change coming through a political
20 party, whereas, in North America there has been
21 a much greater reliance on the trade union
22 movement to bring about this change.

23 ---Short recess
24

25 MR. POLLOCK: If we could
26 return for a moment to the consideration of
27 your brief. You suggest on page 7, under
28 the general heading, "The Road to Strike",
29 that:

30 It is our experience locally



1938

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1 that very little consideration
2 of the Union's proposals takes
3 place before this procedure ..."
4 and that is the conciliation procedure ---
5 "...is invoked."

6 You go on to say:

7 "Until recent times the
8 Conciliation Officer stage
9 of this procedure has no
10 meaning at all."

11 I would like you to tell us what you mean
12 locally, and whether you are talking about your
13 particular union or generally that there are
14 no agreements concluded until conciliation
15 starts, and what you mean by "recent times".

16 MR. DAVIDSON: Yes, sir.

17 First of all, I am referring to our own union.
18 Our experience has been in the past that the
19 conciliation officer stage of the conciliation
20 proceedings is rather meaningless in that
21 the conciliation officer generally came in
22 and stayed for an hour or two, or a day, and
23 left. And it just sort of automatically
24 went over into the next stage of the conciliation
25 board and I can't recall in the last number of
26 years - and there could be one or two exceptions
27 - where a conciliation officer was able to
28 effect an agreement. That has changed
29 somewhat now and there seems to be a different
30 direction with the conciliation officer. There



1 has been a change in the act where now he can
2 hand down what we generally call a no-board
3 report. He hands down his report and
4 recommends that no conciliation board be set
5 up. That, now, is beginning to have some
6 meaning in negotiations, where the employers
7 and the union, if he indicates this they
8 start to get down to some rather serious
9 discussions and we have, as a result of this
10 change in the act, been able to utilize
11 the services of the conciliation officer and
12 have been able, in the past - I think a year
13 or so - been able to effect agreements at
14 that stage of the proceedings.

15 MR. POLLOCK: Well, when you
16 negotiate a collective agreement, the experience
17 of your union is that - now let me ask this
18 question: Has the experience of your union
19 been that you have always had to refer to
20 conciliation to go to strike, or have you
21 concluded agreements with the employer without
22 going that far?

23 MR. DAVIDSON: Yes, we have.

24 MR. POLLOCK: So that would
25 you say there are more agreements concluded by
26 direct negotiation than those in which you had
27 to either resort to conciliation or the strike?

28 MR. DAVIDSON: Undoubtedly,
29 there are many more agreements concluded without
30 the necessity of strike action.



1940

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Toronto, Ontario

1 MR. POLLOCK: No, I mean
2 with reference to the machinery at all.

3 MR. DAVIDSON: I wouldn't want
4 to say there hasn't been any, but very few
5 that have been concluded without requiring or
6 involking the right to have the conciliation
7 services brought into play.

8 MR. POLLOCK: Well, the figures
9 in this report - and I refer to the Carruther's
10 Report and I don't know if you have seen those
11 or not - but going back to 1958, are we talking
12 about the same time? Would this be far
13 enough back for you?

14 MR. DAVIDSON: Well, it is a
15 little too far.

16 MR. POLLOCK: In 1958 they had
17 approximately 1214 cases that were referred
18 to a conciliation officer that went to the
19 conciliation stage. I think that is the
20 highest time, and it averages between 900
21 and 1100, somewhere around there, in any
22 one year. Now, from my experience - and
23 perhaps you could correct me - there seemed
24 to be more than 1200 collective bargaining
25 agreements made in a year, wouldn't you think
26 so?

27 MR. DAVIDSON: Many more, yes.

28 MR. POLLOCK: Would you say
29 twice as many?

30 MR. DAVIDSON: I don't have those



1941

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Toronto, Ontario

1 figures with me but I would think it would
2 be many more than 1200.

3 MR. POLLOCK: So that
4 someone has estimated for this Commission there
5 were between 2500 and 3000 collective agreement
6 situations open up every year. And then if you
7 have 1200 or a thousand referred to conciliation
8 stage, either the officer or the board, on
9 the way to strike, then the difference - some
10 1200 or 1500 or 2000 - must have been settled
11 between the parties without any reference.

12 MR. DAVIDSON: One could
13 conclude that, I suppose, yes.

14 MR. POLLOCK: So that half
15 of them are decided between the parties before
16 you get to this stage.

17 MR. DAVIDSON: I would think
18 that one could conclude that, yes.

19 MR. POLLOCK: So, next, you
20 get to the conciliation officer stage and of
21 the remaining disputes about half of them
22 again are settled by the conciliation officer.
23 In 1958, 601 were settled by the conciliation
24 officer out of 1200 and similar figures exist
25 for 1959, 613 out of 1120, and all the way
26 down the line, going to 1965 when 548 out of
27 1175 were settled. So that the conciliation
28 officer stage has settled half of the disputed
29 cases.

30 MR. DAVIDSON: Yes.



1942

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Toronto, Ontario

1 MR. POLLOCK: And that goes
2 back to 1958. Then the board settled some
3 of the remaining and you get down to probably
4 about 5 per cent where you get a strike. So
5 that, really, machinery isn't that bad when
6 you suggest that a number: "It is our experience
7 that very little consideration of the union's
8 proposals take place before this procedure
9 is invoked." It really doesn't hold up as far
10 as the figures are concerned, because you've
11 got over half of them being settled before
12 the procedure is invoked.

13 MR. DAVIDSON: Well, I am not
14 arguing with those figures; I am only telling
15 about our experience. Maybe we've got all
16 the tough bosses, I don't know.

17 MR. POLLOCK: Well, let me
18 refer to - I think the recent figures - and I
19 am reading from page 198 of this publication
20 where it sets out the number of agreements
21 signed by the union in any one year - in 1965
22 and officer dispositions involving that union in
23 1965, and reading down from the United Electrical
24 Workers, we find that 24 agreements were signed
25 in 1965 and 24 officer dispositions. So that
26 the officer disposed of 24 of those agreements
27 signed in 1965.

28 MR. DAVIDSON: Yes, but I said
29 "until recent times".

30 MR. POLLOCK: All right. Would



1943

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1 you suggest that the United Electrical Union's
2 experience is different from the general one
3 that you always go to either conciliation
4 stage before you conclude an agreement?

5 MR. DAVIDSON: I said in recent
6 times, with this new change in the act, the
7 conciliation officer stage of conciliation
8 services proceedings has been much more effective.
9 Now, I think even here locally, that that has
10 resulted in quite a number of our agreements
11 locally being settled at that stage of the
12 proceedings now. In fact, I don't know, in
13 the last year to two years, where we have had
14 to go to a board, we have been able to
15 effect agreements at that stage, or disagreements;
16 one or the other.

17 MR. POLLOCK: Well, in effect,
18 in 1965 you had settled all your outstanding
19 disputes at that conciliation officer stage.

20 MR. DAVIDSON: We presently
21 have one local employer where we have had
22 the conciliation officer in and not been able
23 to effect an agreement and that will be going
24 to a board.

25 THE COMMISSIONER: What is
26 your opinion of the board? Is that a desirable
27 member?

28 MR. DAVIDSON: We have found,
29 in our organization, it is hard to generalize,
30 but the board has been able to play an effective



1944

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Toronto, Ontario

1 role in the process of collective bargaining, yes.
2 Again, sometimes not too much in the last period
3 of time, but before that, we used to experience
4 tremendous delays in procedure.

5 THE COMMISSIONER: Well aren't
6 you, in part, responsible for those delays?
7 Don't you agree to a postponement from time
8 to time because the act says distinctly that
9 only certain times are allowed unless the
10 parties agree? I can agree with you the
11 undesirability of delays that take place but
12 I think you are, in part, responsible for them.

13 MR. DAVIDSON: Well, I wouldn't
14 suggest that there hasn't been agreement between
15 the company and the union that would hold off
16 a certain hearing for a period of time, that
17 may be true, but generally, that is not the
18 situation. Generally, the union likes to have
19 that procedure move along as quickly as possible
20 and in those circumstances, I can't recall
21 or be able to understand how the union would
22 be responsible, sir. The

23 THE COMMISSIONER: I mean that
24 you consented to the postponement.

25 MR. DAVIDSON: In the sense
26 that we don't go on strike, you mean?

27 MR. POLLOCK: In 1958 the
28 committee of the Legislature had evidence
29 presented to them that a large number of the
30 delays were due, in fact, to both of the



1945

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1 parties agreeing that the chairman of this
2 conciliation board is busy for the next two
3 months. "Would you like another one?" You
4 say, "No, we will wait for this one".

5 MR. DAVIDSON: Well, that is
6 quite possible that the parties would
7 prefer a certain chairman of the board, but
8 I wouldn't think - and I don't have these
9 facts - but to me it wouldn't seem to be a
10 general application. There might be some
11 specific case or other.

12 THE COMMISSIONER: I think
13 it suggested that the employer would be
14 represented by somebody - a junior person -
15 and they said, "We are not ready and we want
16 an adjournment" and the union has gone along
17 with it. That was challenged on the ground
18 that they were just delaying tactics. Have
19 you ever taken anything of that sort before
20 the labour board, complaining that this
21 isn't good faith?

22 MR. DAVIDSON: Well, you always
23 have a feeling when you take those things to
24 another board that you are going to be longer
25 than you were hoping to be in the first place.

26 THE COMMISSIONER: It seems
27 to be inherent, then.

28 MR. DAVIDSON: Well, you see
29 there is the old saying that laws are made to
30 be broken and this may not be the best place



1946

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Toronto, Ontario

1 to use that.

2 THE COMMISSIONER: Well, I don't
3 have that view.

4 MR. DAVIDSON: Well, the fact
5 is that those dates set out in the act appear
6 to be very flexible.

7 MR. POLLOCK: You also suggest
8 on page 8 that:

9 "The working people have every
10 right to insist that the
11 condition of 'no contract -
12 no work' return to labour
13 relation. Any arrangements
14 made other than this is the
15 business of the contracting
16 parties and not of any
17 outside body."

18 I assume you mean by this "outside body", either
19 the government or the legislature?

20 MR. DAVIDSON: Yes.

21 MR. POLLOCK: Well, I am sure
22 your experience goes back farther than mine
23 but I can recall reading about employers who
24 used to make that same cry - that is our business
25 and the government can stay out. "If we want
26 to get a yellow dog contract out of these people,
27 it is our business and if the union is strong
28 enough to organize us, then we don't need any
29 kind of certification procedures, it is our
30 business; stay out. It is our employees and



1947

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1 our business". That was categorized as the
2 law of the jungle at one stage in the 1930's
3 and you don't want to return to that sort of
4 thing.

5 MR. DAVIDSON: I am not suggesting
6 there that what we are saying - that we want
7 to accept no responsibility. What I am saying
8 here is to try and get around the very question
9 we have been talking about here. That is,
10 that you reach the end of your agreement and
11 then this procedure goes on for several months
12 beyond that date. Now there has been some
13 considerable improvement on that, but still
14 it goes on for several months. What we are
15 saying is that the contract termination date
16 should become a meaningful date.

17 THE COMMISSIONER: Would
18 you rather have a retroactive agreement?

19 MR. DAVIDSON: You mean a
20 retroactive ----

21 THE COMMISSIONER: To the
22 date of the termination.

23 MR. DAVIDSON: Yes. Sometimes
24 you are able to receive that in the wage area.
25 You are able to arrange a retroactive application
26 of wages but it may not apply retroactively to
27 seniority improvements that you make.

28 THE COMMISSIONER: Doesn't
29 one section say that depending, subsequently,
30 on the termination that during the discussion



1948

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Toronto, Ontario

1 the conditions of labour shall remain the
2 same?

3 MR. DAVIDSON: We don't want
4 them to remain the same.

5 THE COMMISSIONER: Even when
6 you are negotiating? That would meet the
7 question of seniority.

8 MR. DAVIDSON: But, sir,
9 supposing I was working in a plant and I had
10 the type of seniority protection that protected
11 my job in this manner and, however, if that
12 condition didn't prevail, I would be laid
13 off. But in the course of my negotiation
14 with the company I, as a member, have impressed
15 the union that that seniority should be changed
16 so as to provide me with additional protection,
17 but in the meantime the contract goes away
18 beyond the termination day and there has been
19 a lay-off, I would be laid off under the old
20 condition and not the new condition.

21 THE COMMISSIONER: I don't under-
22 stand what you mean by "the new condition".

23 MR. POLLOCK: The one that is
24 still under negotiation?

25 MR. DAVIDSON: Yes.

26 THE COMMISSIONER: Well, do
27 you meet situations of that sort very frequently?

28 MR. DAVIDSON: No, I wouldn't
29 say frequently, but we have had situations, sir,
30 where, for instance, we had been able to



1949

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1 negotiate an additional statutory holiday for
2 the employees. But in the course of
3 negotiation, that statutory holiday has gone
4 by and it is very hard to get that retroactive.

5 MR. POLLOCK: You will get it
6 next year, though?

7 THE COMMISSIONER: You would
8 be satisfied to get it prospectively?

9 MR. DAVIDSON: But the point
10 is, shouldn't a contract termination date
11 have meaning? You see, what is the difference
12 if a contract is going to end up six months
13 after the contract or three months after the
14 contract or by the contract date? It seems
15 to me if you make a contract for a period of
16 time, then we would like that contract date
17 to have some meaning. Therefore, I think
18 that means additional pressures in the
19 negotiations, not only on the company but
20 on the employees and the unions to try and
21 arrive at a satisfactory settlement of their
22 differences by that termination date. When
23 the parties know that they are not faced with
24 a deadline, quite often serious negotiations
25 don't take place until some type of a deadline
26 is set.

27 MR. POLLOCK: Have you ever, in
28 your experience, found ----

29 MR. DAVIDSON: In fact, it
30 never does, I am sorry.



1950

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Toronto, Ontario

1 MR. POLLOCK: ... found that
2 your conciliation procedures have got more from
3 the company than your negotiation has set up?

4 MR. DAVIDSON: We have never
5 achieved negotiations. Well, there was one
6 peculiar situation locally here, where we
7 did arrive at a settlement that was actually
8 higher than our demands in the first place,
9 but that would really be a peculiar situation.
10 We have never had a contract settlement that
11 met fully the demands of our membership.

12 MR. POLLOCK: Well, you would
13 be very surprised, I suppose, if you ever did.
14 You have to aim your sights a little bit higher
15 the next time. But the point I am asking
16 you is: Have you ever been in the position
17 where you feel the conciliation procedure has
18 helped you, as a union, to get more out of
19 the company, that additional lever, that either
20 the conciliation officer or the views expressed
21 by the members of the conciliation board gain
22 you more or would gain you a satisfactory level
23 without necessitating the resort to strike?

24 MR. DAVIDSON: Well, that
25 usually depends on his effectiveness. It depends,
26 generally, on what you might have in your back
27 pocket as a pry to bring some realism into
28 the company's thinking. For instance, if you
29 had, under certain conditions, taken a strike
30 vote and made it clear to the company that the



1951

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1 employees of that particular plant were not
2 impressed with the company's position, then
3 you may find that the conciliation officer
4 would find that useful in his work to try
5 and bring some realism to the company's thinking.

6 MR. POLLOCK: In other words,
7 you have had an experience where you got far
8 enough in the conciliation proceedings that,
9 insofar as the union is concerned, not to
10 resort to strike?

11 MR. DAVIDSON: Oh, yes.

12 MR. POLLOCK: So they have
13 been of some assistance to you?

14 MR. DAVIDSON: Yes.

15 MR. POLLOCK: So you can't
16 say there is always a delay factor; there
17 is some good that comes out of it?

18 MR. DAVIDSON: But you see
19 there are two different questions. I am not
20 holding that conciliation officer or the
21 conciliation board, as such, responsible for
22 delays that take place in procedure. That is
23 not the point.

24 MR. POLLOCK: But I am talking
25 about the system.

26 MR. DAVIDSON: But I am saying
27 if you have an effective termination date in
28 a contract, I suggest to you that the realism
29 that has to come somewhere down the line, would
30 then have to be viewed in respect to that



1952

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1 termination date.

2 MR. POLLOCK: So now you've
3 got two months to the end of your agreement
4 and you've got two months to contract all
5 your negotiations.

6 MR. DAVIDSON: Well you don't
7 have two months. It is a matter of negotiation
8 between parties.

9 MR. POLLOCK: But two months
10 before the expiration date.

11 MR. DAVIDSON: Well you can
12 submit it six months prior if that's what the
13 contract says.

14 MR. POLLOCK: But they are
15 not required under the Labour Relations Act
16 to negotiate other than at that period of time.
17 The Act says two months.

18 MR. DAVIDSON: At least two
19 months.

20 THE COMMISSIONER: Within two
21 months.

22 MR. DAVIDSON: But, sir, you
23 can negotiate with the company six months in
24 advance.

25 MR. POLLOCK: But if you have
26 a two year agreement, when would you start
27 your negotiations?

28 MR. DAVIDSON: That would
29 depend on your contract.

30 MR. POLLOCK: What is the average



1953

1 length of time in your contract?

2 MR. DAVIDSON: I would think it
3 would be two or three months before the end
4 of the contract termination.

5 MR. POLLOCK: All right, two or
6 three months before the termination date of
7 the contract, so you could have to compress
8 into that space of time all of the procedures
9 that now exist.

10 MR. DAVIDSON: Yes.

11 MR. POLLOCK: Do you think it
12 would work in those circumstances?

13 MR. DAVIDSON: Well, I know
14 of one situation now where it is working. I
15 am not saying it will meet the exact deadline
16 but it could be possible.

17 MR. POLLOCK: If both parties
18 want to do it?

19 MR. DAVIDSON: It could be
20 possible.

21 THE COMMISSIONER: Well, what
22 do you mean "meaningful"? What would happen
23 after that doesn't happen now?

24 MR. DAVIDSON: Well all you do,
25 you see, in negotiations that exceed the
26 termination date of an agreement, all you do
27 really, at some point or other you set up
28 another termination date. That is all you
29 do, really. You say that we must have
30 an agreement by such and such a date or, if that



1954

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Toronto, Ontario

1 doesn't work out, then the date is extended
2 and these - either by law or by agreement.

3 THE COMMISSIONER: Well, it says
4 you can't change the working conditions. What
5 would you say - if you didn't have that, you
6 would have nothing.

7 MR. DAVIDSON: But why not have
8 the law say that any new conditions must be
9 in by the termination date of the agreement?

10 THE COMMISSIONER: The parties
11 must agree upon them before the contract
12 expires?

13 MR. DAVIDSON: Well, look at
14 the situation this way, if I can use this
15 example: If you owned an office building
16 and the rent was \$100 a month and the person
17 came to you and said "Now we signed an agreement
18 for that for two years and that will expire
19 on July 1st". Now you get a person, when
20 it is coming up to the end of that two-year
21 period, and you say to them, "Well, now look,
22 things have changed around here and that rent
23 is going to have to go to \$125". Now he says
24 to you, "We will negotiate that", so he is
25 going to negotiate with you as long as he can
26 because ----

27 THE COMMISSIONER: But he goes
28 past the day - if he goes beyond the day his
29 negotiation has no legal effect, whereas, it
30 has some effect here. You are going to



1955

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Toronto, Ontario

1 negotiate here but the landlord doesn't have
2 to negotiate.

3 MR. DAVIDSON: What I am
4 suggesting to you is that we would have the
5 same situation in labour unions.

6 THE COMMISSIONER: Do you want
7 everything to be dissolved the moment the
8 agreement ends?

9 MR. DAVIDSON: I am saying
10 unless there is mutual agreement between the
11 parties to extend the agreement, then that
12 termination date should be meaningful. I
13 sign a contract with you for two years and
14 that's how long it should last - for two years.

15 MR. POLLOCK: So, in effect,
16 you are abandoning conciliation procedure?

17 MR. DAVIDSON: Now, I didn't
18 say that, sir.

19 THE COMMISSIONER: Well, I
20 don't quite understand what you mean because,
21 when you say it should be meaningful, what
22 do you mean by that?

23 MR. DAVIDSON: That it should
24 have meaning; the contract would end on that
25 day.

26 THE COMMISSIONER: Well, do
27 you continue to work after that?

28 MR. DAVIDSON: That would be
29 a decision left up to the parties.

30 THE COMMISSIONER: But supposing



1 you can't agree and you go on for a month. Now,
2 what are the terms under which you are going
3 to continue during that month?

4 MR. DAVIDSON: You are not
5 going to continue.

6 THE COMMISSIONER: Then you
7 stop work?

8 MR. DAVIDSON: You stop working.

9 THE COMMISSIONER: You go on
10 strike?

11 MR. DAVIDSON: That is right.

12 THE COMMISSIONER: Well, that
13 is an easy thing to say - just that we will stop
14 working.

15 MR. DAVIDSON: That is right,
16 yes.

17 MR. POLLOCK: What is the
18 advantage of knowing the exact date by the
19 calendar when you can go on strike, or know
20 that after conciliation proceedings have ended
21 that you can go on strike?

22 MR. DAVIDSON: Well, the days
23 when we had that situation, I think - and it is
24 my opinion at least - that much more constructive
25 talks took place between the parties knowing
26 that that was the deadline for the agreement
27 and that the serious discussions took place
28 in an effort to achieve a settlement by that
29 time. All we are saying now, in the present
30 Act, is that we will get serious when we are



1957

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Toronto, Ontario

1 forced to get serious because at one point or
2 the other, one side or the other has to set
3 the date.

4 THE COMMISSIONER: Well, what
5 we really mean is this - and it has been
6 expressed by others - that we want to go to
7 negotiations with the power to strike at
8 that moment.

9 MR. DAVIDSON: That is right.

10 THE COMMISSIONER: Well, why
11 not put it that way in the beginning and save
12 a lot of this time?

13 MR. POLLOCK: Going to the
14 Barnard Stamp case on the tenth page, you
15 suggest:

16 "The organizer of the workers
17 involved in the strike
18 immediately warned of the
19 use of injunctions in strikes,
20 and our union, along with others
21 made clear our objections to the
22 use of injunctions in this manner.
23 Needless to say the strike of
24 this group of workers was lost."

25 Well, maybe needless to say, on the basis of
26 your knowledge, but there isn't anything in your
27 brief as to the facts of the area of the
28 dispute. Could you tell us some of the
29 background of the conditions that existed
30 at the time of picketing and what the injunction



1958

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Toronto, Ontario

1 was all about, so that we may conclude whether
2 it was needless to say that the strike was
3 lost?

4 MR. DAVIDSON: No, sir, I
5 couldn't give you complete detail on that case.
6 That was back in 1952 and we haven't had,
7 locally here, too much experience with
8 injunctions, as I have indicated, in this
9 line, in which injunctions had been
10 enforced in this community and this was
11 quite new to us at that time. I don't have
12 the exact details.

13 MR. POLLOCK: There was an
14 injunction obtained?

15 MR. DAVIDSON: Yes.

16 MR. POLLOCK: What was the
17 nature of the injunction?

18 MR. DAVIDSON: Limiting the
19 amount of picketing that could take place;
20 well that was a small plant and they only
21 had a front door and everybody went in the
22 front door and it was limiting the number
23 of pickets to that front door.

24 MR. POLLOCK: You don't know
25 how many pickets were there?

26 MR. DAVIDSON: I believe it
27 was two in that case.

28 MR. POLLOCK: That was after
29 the injunction, but what was there in the
30 first place?



1959

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Toronto, Ontario

1 MR. DAVIDSON: Well, it's only
2 a small place with about 30 some odd people,
3 as I recall, and I don't know how many you
4 could get to picket, but they picketed.

5 MR. POLLOCK: Then other people
6 went to work there, I take it? Some of the
7 people went back to work and you say the strike
8 was lost?

9 MR. DAVIDSON: I know a lot
10 of people were fired by the company but I
11 don't know how many people actually went
12 back into the plant from the original strikers.
13 I do know quite a number were fired.

14 THE COMMISSIONER: At what
15 point would they be fired?

16 MR. DAVIDSON: I would think
17 that they were fired at the point the company
18 felt they had effectively weakened the strike.

19 THE COMMISSIONER: Well, really
20 the assumption was that the strike was over?

21 MR. DAVIDSON: Yes.

22 THE COMMISSIONER: Well, in
23 that case, would the roster of men have been
24 completed by bringing in strike breakers?

25 MR. DAVIDSON: I don't have
26 that information.

27 MR. POLLOCK: Do you think
28 you could obtain that information for us?

29 MR. DAVIDSON: Yes, sir, I
30 could try.



1960

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Toronto, Ontario

1 MR. POLLOCK: Now, getting to
2 the other strike, the Wallace Barnes strike,
3 it appears from the first portion of that
4 submission, that the company didn't operate
5 its premises at least during the first dozen
6 weeks of the strike, is that right?

7 MR. DAVIDSON: Yes, sir.

8 MR. POLLOCK: And you point
9 out that for 15 weeks the strikers carried
10 out a struggle which did not result in
11 violence against them. That is a different
12 approach to it. Was there any different
13 approach to it?

14 MR. DAVIDSON: Yes, of course
15 there was violence by the company and the police.

16 MR. POLLOCK: Was there
17 violence against anybody else?

18 MR. DAVIDSON: Not to my
19 knowledge.

20 MR. POLLOCK: Did anybody try
21 to get into the plant?

22 MR. DAVIDSON: Well, I told
23 you in here.

24 MR. POLLOCK: Well, I mean
25 up to that time. That was the first time
26 anybody tried to walk into that plant - when
27 those four people came up?

28 MR. DAVIDSON: That is right.

29 MR. POLLOCK: The union carried
30 on campaigning to try to get the company to sit



1961

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1 down at the bargaining table and resolve the
2 matters in dispute. Then you mention on page
3 11 that there was a letter from the company
4 containing subtle threats. Do you have a
5 copy of that letter?

6 MR. DAVIDSON: I have a copy
7 and I could send it to you.

8 MR. POLLOCK: I would be
9 obliged. Could you roughly paraphrase the
10 nature of the subtle threats?

11 MR. DAVIDSON: As I recall,
12 there was something to the effect that it is
13 obvious that there should be a new vote and
14 that the people should now return to the
15 plant as a result of them taking this vote
16 among the employees. I believe that was
17 the general tenor.

18 MR. POLLOCK: They waited 11
19 weeks before they did anything. I mean the
20 strike had gone on for some two and a half
21 months.

22 MR. DAVIDSON: Yes, sir.

23 MR. POLLOCK: Then on the bottom
24 of that page, you suggest that the company:

25 "...send foremen and other
26 salaried personnel to call on
27 strikers and intimidate them
28 to return to work."

29 What was the nature of that intimidation?

30 MR. DAVIDSON: The reports that we



1962

Nethercut & Young

Toronto, Ontario

1 got at the time were that the foreman visited
2 individual people and supervisory personnel,
3 telling them that the company was considering
4 reopening the plant and they would be expected
5 to return to work and if they didn't then, of
6 course, they would no longer have a job with
7 the company. It was about as crude as that.

8 MR. POLLOCK: What would be the
9 advantage of taking photographs of this sort
10 of thing? You say:

11 "Cameras were in full use by
12 the Company."

13 MR. DAVIDSON: No, cameras were
14 being used from the plant - from various sections
15 of the plant - shooting out at the strikers
16 and picketers and that is what I mean by "the
17 cameras were in use".

18 MR. POLLOCK: What were they
19 photographing?

20 MR. DAVIDSON: People picketing.
21 Those pictures, I understand, I have no definite
22 facts but I understand that they are used by
23 the Hamilton Police Force in training new
24 recruits in how to handle picket lines

25 MR. POLLOCK: It was showing
26 them the orderly nature of a picket line.

27 MR. DAVIDSON: At first, yes.

28 MR. POLLOCK: But at this stage
29 we don't have any violence yet?

30 MR. DAVIDSON: Yes, it showed



1963

Nethercut & Young

Toronto, Ontario

1 them how to operate in this situation.

2 MR. POLLOCK: They were just
3 walking back and forth - how many were there,
4 approximately, at this stage?

5 MR. DAVIDSON: You mean picketers?

6 MR. POLLOCK: Yes.

7 MR. DAVIDSON: I think 20 or 30
8 people assigned to the number of gates.

9 THE COMMISSIONER: Was any
10 work being carried on inside the plant?

11 MR. DAVIDSON: No, sir.

12 MR. POLLOCK: But there was
13 office staff going in?

14 MR. DAVIDSON: Oh, yes, the
15 office work was going on every day, and the
16 salaried personnel and the foremen, and this
17 type of people, yes, but there was no production
18 being done.

19 MR. POLLOCK: There was no
20 objection on your part to have these type
21 of people going in so long as they didn't
22 do any work in the production unit?

23 MR. DAVIDSON: That is right,
24 sir.

25 MR. POLLOCK: On September 19th,
26 you point out on page 12:

27 "...aware of a possible threat
28 to peaceful picketing our Union
29 wired the Minister of Labour
30 suggested that he bring



1964

Nethercut & Young

Toronto, Ontario

1 the parties together."

2 Two points: First of all, I will deal with
3 the second one first. You, at this stage,
4 realized that the company wasn't after 15 or
5 16 weeks, it wasn't coming to bargain, as you
6 had expected, I assume, earlier. You felt
7 if you closed the plant down, they would come
8 to the bargaining table. So that you were
9 then enlisting the support of the government
10 to get these men to the table, that is the
11 Minister of Labour.

12 MR. DAVIDSON: We suggested to
13 the government, as a result of the developments
14 that were taking place in that strike by the
15 company, and through groups of people within
16 the ranks of the strikers, but who never
17 participated in picket duties, that there was
18 the possibility from our view - and history
19 in trade union movement - the possibility that
20 some trouble could start. We, therefore,
21 suggested to the Minister of Labour to avoid
22 this, that he should call the parties together
23 and try and get constructive negotiations
24 underway.

25 MR. POLLOCK: In the face of
26 this super-successful picket line, I think
27 that most of us would agree that that would
28 be an ideal situation, that you have a peaceful
29 picket line that closes up the plant. You
30 weren't able to compel the employer to bargain



1965

Nethercut & Young

Toronto, Ontario

1 so that, quite logically and naturally, I think,
2 you sought to have another source brought in to
3 put some pressure on the employer, and that is
4 the government.

5 MR. DAVIDSON: That is right.

6 MR. POLLOCK: That was your
7 attitude then. What was the possible threat
8 to the peaceful picketing?

9 MR. DAVIDSON: Well, at this
10 time, the so-called group of employees sent
11 out a letter suggesting that they call a meeting
12 to discuss the problems of the strike and I
13 might point out that during the whole course
14 of that strike, there was a regular membership
15 meeting at least once every week.

16 THE COMMISSIONER: These were
17 members of the union?

18 MR. DAVIDSON: These were members
19 of the union, yes.

20 THE COMMISSIONER: Then the
21 union must have maintained solidarity as a
22 result of which the plant was stopped?

23 MR. DAVIDSON: Yes.

24 THE COMMISSIONER: So it was
25 the unity of the strikers. They all went out
26 and you achieved your object in closing down
27 production?

28 MR. DAVIDSON: That is right.

29 THE COMMISSIONER: Well, that
30 was really your object and it's a reasonable one.



1966

Nethercut & Young

Toronto, Ontario

1 MR. DAVIDSON: But that doesn't
2 mean that all those who went out participated
3 in the strike.

4 THE COMMISSIONER: But they
5 did in the cessation of work.

6 MR. DAVIDSON: Yes, but they
7 didn't participate in the activity of the
8 strike and the picketing.

9 MR. POLLOCK: Now you suggest
10 in the next paragraph that this union - and I
11 assume the Canadian Springmakers Association is
12 the organization - that you say ----

13 MR. DAVIDSON: That is what
14 it later developed to be, yes.

15 MR. POLLOCK: Yes, they are
16 working today and you say it is still a scab
17 outfit.

18 MR. DAVIDSON: It is a company
19 union.

20 MR. POLLOCK: "With rates and
21 and conditions below that achieved
22 by legitimate trade unions. So
23 much so, that at least two
24 attempts have been made by
25 new workers in the plant to
26 organize into a legitimate
27 trade union."

28 Have they succeeded?

29 MR. DAVIDSON: No, they haven't.

30 MR. POLLOCK: Why haven't they?



1 MR. DAVIDSON: They attempted
2 an organizing campaign the last time and just
3 before that organization presented the necessary
4 membership cards to the labour board, the
5 company found out about the organizing campaign
6 and they laid off, I believe, some 75 workers
7 who were all new workers and resulting from
8 that union's application failing to have
9 sufficient membership cards.

10 MR. POLLOCK: They had
11 sufficient membership cards the day the
12 application was filed?

13 MR. DAVIDSON: No, just before
14 that. Supposing they were going to apply
15 on Friday of this week, the company found out
16 about the organizing campaign, and laid off
17 75 people on Wednesday, thus preventing the
18 application.

19 MR. POLLOCK: How did they
20 know which 75 to lay off?

21 MR. DAVIDSON: The new employees.
22 They knew where the older employees stood.

23 MR. POLLOCK: The older
24 employees were satisfied to work at the sub-
25 standard conditions?

26 MR. DAVIDSON: Well they went
27 on across the picket line and went in there
28 as scabs and I guess they felt all right.

29 THE COMMISSIONER: Is that
30 a regularly formed union today?



1968

Nethercut & Young

Toronto, Ontario

1 MR. DAVIDSON: No, it is not
2 and it is not affiliated with anybody.

3 THE COMMISSIONER: Is it C.I.O.?

4 MR. DAVIDSON: No, it is a
5 company union.

6 THE COMMISSIONER: It is just
7 independent of everything else?

8 MR. DAVIDSON: Yes.

9 MR. POLLOCK: Were you ever
10 decertified?

11 MR. DAVIDSON: There was an
12 attempt to decertify us at that point and put
13 this organization in and it was supposed to
14 be a bona fide one and they had to withdraw
15 their application because even the labour board
16 couldn't accept it.

17 THE COMMISSIONER: You are sure
18 that the labour board had something to do with
19 their organization?

20 MR. DAVIDSON: Yes. I don't
21 know if that was the exact grounds but they
22 wouldn't allow that organization certification,
23 We have the legal certification and, therefore,
24 under the labour legislation that existed in
25 those days, the company wasn't prepared to gamble
26 on it.

27 MR. POLLOCK: Well how, on
28 page 16, with you being a certified union, did
29 the company negotiate a contract with this other
30 organization?



1969

Nethercut & Young

Toronto, Ontario

1 MR. DAVIDSON: Well, it wouldn't
2 mean that the contract was legal, necessarily.
3 That was the point we made; how could they do
4 it?

5 MR. POLLOCK: And you didn't
6 do anything about it?

7 MR. DAVIDSON: We tried to.

8 MR. POLLOCK: What did you do?

9 MR. DAVIDSON: I believe we took
10 this matter to the Ontario Labour Relations Board
11 at that time, and they ruled that it wasn't a
12 contract.

13 MR. POLLOCK: They ruled it
14 was not a contract?

15 MR. DAVIDSON: Yes, they ruled
16 it was not a contract.

17 THE COMMISSIONER: It was not
18 binding for the purposes of their action.

19 MR. DAVIDSON: Yes. Now the
20 situation when another union, with our assistance,
21 attempted to organize the workers there and did
22 make an application, I believe at that time we
23 informed the board that we were withdrawing
24 from that situation.

25 MR. POLLOCK: Now, going back
26 to the chronology of the strike, after you
27 found out that these people were going to go
28 back to work, these four people were going to
29 appear and I assume that you heard via the
30 grapevine that others might be coming back as



1970

Nethercut & Young

Toronto, Ontario

1 well, letters were written and all this type
2 of thing. Then the court injunction was
3 obtained and, on page 14, the application was
4 heard on October 7th:

5 "There had not been one
6 incident of violence to this
7 date. An interim Injunction
8 was granted so long as the picket
9 lines remained peaceful."

10 We don't understand that.

11 MR. DAVIDSON: Well the company
12 approached us that there be no pickets allowed
13 at all, and the ruling of the court was that,
14 no, they wouldn't go along with that, they
15 would allow us four pickets on each gate
16 providing there was no incident of violence.
17 Now the original reason for granting the
18 injunction was these four fellows that I
19 told you about, coming down to the plant where
20 they were invited to go in, by the way.

21 MR. POLLOCK: That was
22 September 25th. All right, so that there was
23 an injunction issued. Do you have a copy of
24 that injunction, or can you give us a copy of
25 that injunction?

26 MR. DAVIDSON: I can try, sir.

27 MR. POLLOCK: Thank you, and
28 the affidavits filed in support.

29 Now, did you appear, or did your
30 union appear at that injunction?



1971

Nethercut & Young

Toronto, Ontario

1 MR. DAVIDSON: At the interim?

2 MR. POLLOCK: You say an
3 interim injunction was granted so long as
4 the picket lines were being peaceful:

5 "The Company had attempted to
6 do away with picketing
7 altogether. The court
8 could not find sufficient
9 grounds to grant the type
10 of request the Company made."

11 Was there more than one injunction?

12 MR. DAVIDSON: Well, I think
13 there was the first ex parte and then the
14 interim.

15 MR. POLLOCK: What did the
16 ex parte injunction say?

17 MR. DAVIDSON: I think it
18 limited us to four pickets. This interim
19 injunction was also limiting us, or extending
20 the limitation, but then also barring certain
21 individuals from coming within X number of miles
22 from the plant.

23 MR. POLLOCK: Who would those
24 individuals be?

25 MR. DAVIDSON: You mean by name?
26 They were the chief steward and the president
27 of the local and the picket captain and anyone
28 who was doing any active job.

29 MR. POLLOCK: Then you continue
30 on and say:



1 "Fifteen weeks of picketing
2 without violence."

3 et cetera.

4 "The press and radio however,
5 continued a campaign of
6 suggesting that picketing
7 at the plant was illegal."

8 What did they say, here?

9 MR. DAVIDSON: I am not sure
10 that they understood the injunction at the time.
11 Their opinion was that this ruling by the court
12 on the question of injunction and the barring
13 of certain individuals from going through the
14 picket line, they seemed to feel somehow that
15 that was - I don't know if they felt it or
16 whether it was a purpose for the job - but
17 it suggested over the radio and in the papers
18 that all picketing was illegal.

19 MR. POLLOCK: You said that
20 picketing at the plant was illegal. Did you
21 picket in larger numbers than were permitted
22 by the injunction?

23 MR. DAVIDSON: No, sir.

24 MR. POLLOCK: These people
25 that were prevented from being there, were
26 they there?

27 MR. DAVIDSON: No, sir.

28 MR. POLLOCK: So that you say
29 they are completely wrong when they say the
30 picketing was illegal?



1973

Nethercut & Young

Toronto, Ontario

1 MR. DAVIDSON: Of course, they
2 were wrong. I don't know that they were wrong
3 - whether they were doing it on purpose or not.

4 THE COMMISSIONER: Yes, but the
5 injunction that was made - that is the interim
6 injunction - it was continued. You say that
7 that limited you to so many pickets at each
8 gate. In the absence of any violence or anything
9 of that nature, well, if that had continued
10 without violence, your object would have been
11 accomplished, wouldn't it? The shop would
12 have remained closed. Would the work have
13 stopped and would it have kept stopped?

14 MR. DAVIDSON: No, sir, it
15 would not have.

16 THE COMMISSIONER: What
17 prevented that?

18 MR. DAVIDSON: In my opinion?

19 THE COMMISSIONER: Yes.

20 MR. DAVIDSON: Well, the
21 injunction.

22 THE COMMISSIONER: Why do you
23 say the injunction?

24 MR. DAVIDSON: Well, as it
25 was pointed out here, the Canadian Springmakers
26 organization had been set up and there were
27 between 20 and 30 individuals involved with that.

28 THE COMMISSIONER: What were
29 they prepared to do?

30 MR. DAVIDSON: They were prepared,



1 with proper police protection, to go into the
2 plant.

3 THE COMMISSIONER: That is
4 what sounded your death knell - the fact
5 that these 20 or 30 people were prepared to
6 go back and you say the injunction enabled
7 them to go back without violence.

8 MR. DAVIDSON: Yes.

9 THE COMMISSIONER: All I am
10 suggesting is that it wasn't the injunction
11 at all, it was the decision of these people
12 to disregard their union obligation and go
13 to work.

14 MR. DAVIDSON: Except, sir,
15 that I would suggest to you that had the
16 number of pickets been maintained around
17 that plant, I am not sure that those same
18 people would have went under those conditions.

19 THE COMMISSIONER: But if
20 they had attempted, there would have been
21 violence, undoubtedly.

22 MR. DAVIDSON: Well, as it
23 turned out there was anyhow.

24 THE COMMISSIONER: So really,
25 when you say it was the injunction, I think
26 the effective cause was the decision of these
27 people to go to work.

28 MR. DAVIDSON: Yes, but there
29 was a relationship in granting the injunction
30 and there were two policemen on the picket line



1975

Nethercut & Young

Toronto, Ontario

1 for 15 weeks.

2 THE COMMISSIONER: I know, but
3 if there is no violence, or violation of the
4 rules, it doesn't make any difference how many
5 policemen are there.

6 MR. DAVIDSON: Then why would
7 you need 200 policemen down there the next day?

8 THE COMMISSIONER: Because I
9 suppose they anticipated violence.

10 MR. DAVIDSON: Before it took
11 place?

12 THE COMMISSIONER: Well, you
13 can anticipate that. You know that as well
14 as we all do. All I am suggesting is that
15 it really wasn't the injunction at all, it
16 was what took place in the organization of
17 this new union, as they called it, and the
18 fact that they were prepared to go into that
19 plant regardless of pickets or anything else.

20 MR. DAVIDSON: But they weren't,
21 sir, until they were assured police protection.

22 THE COMMISSIONER: Exactly,
23 against what? Against violence.

24 MR. DAVIDSON: Well, you may
25 call it violence but I suggest that it was
26 against a group of workers who had been on
27 strike for 15 weeks conducting a peaceful
28 strike who were there also to protect their
29 interests and they have some interests too.

30 THE COMMISSIONER: Yes, that



1976

Nethercut & Young

Toronto, Ontario

1 is true. This isn't easily understood. You
2 felt that your interest was sufficiently strong
3 to enable you to use your members to keep those
4 men out of the plant.

5 MR. DAVIDSON: To suggest that
6 they shouldn't go in.

7 THE COMMISSIONER: But the
8 suggestion had implications which they
9 understood. I simply quarrel with your
10 statement that it was the injunction that
11 did this. If it hadn't been for the resolution
12 of these men to go to work, the injunction
13 would have had no affect at all.

14 MR. DAVIDSON: Yes, of course,
15 in that way, but I am suggesting to you that
16 if there had not been an injunction in that
17 situation, the numbers of pickets on that
18 picket line would also have suggested to them
19 that they shouldn't go to work.

20 THE COMMISSIONER: Only on
21 the basis that they were fearful of violence,
22 because they weren't restrained in any way
23 by their sense of obligation to their fellow
24 members.

25 MR. DAVIDSON: That is right,
26 sir.

27 THE COMMISSIONER: So that the
28 picket line itself would not prevent them, it
29 was only that they wanted police protection to
30 go into the plant. Now I think the situation



1977

Nethercut & Young

Toronto, Ontario

1 is easily understood. What you say is that
2 really they shouldn't have had police protection
3 against violence.

4 MR. DAVIDSON: Against violence?

5 THE COMMISSIONER: Yes. Now,
6 violence doesn't mean to break heads, but you
7 can have violence in various forms and that is
8 why they wanted police protection. In other
9 words, that is what we were told in other cases
10 that they wanted to have the police rather than
11 an injunction to enforce the law and to prevent
12 violence. But what is the difference?

13 MR. DAVIDSON: Well, we would
14 like to have the police down there. We would
15 like them down there if they are going to keep
16 the scabs out, sure.

17 THE COMMISSIONER: But if you
18 take the view that these men have a right to
19 go in and the policemen are there to enforce
20 that right, then the situation is fundamentally
21 changed.

22 MR. DAVIDSON: Except that
23 there is another party involved, and that is
24 the company.

25 THE COMMISSIONER: And you were
26 involved too and the fact is that you cannot
27 persuade these men to respect the obligations
28 of the union organization; that is a fact, isn't
29 it? You can't persuade them.

30 MR. DAVIDSON: No, you can't



1 persuade them.

2 THE COMMISSIONER: They were
3 apparently determined to go to work.

4 MR. POLLOCK: You suggested
5 that a number of strikers were arrested and
6 they were all fined. What were they charged
7 with?

8 MR. DAVIDSON: Well, as I
9 recall, those charges were all the way from
10 obstructing police to inciting a riot.

11 MR. POLLOCK: They were
12 convicted of inciting a riot?

13 MR. DAVIDSON: No, you asked
14 what the charges were.

15 MR. POLLOCK: But you say
16 the strikers were all fined or given jail
17 sentences ranging up to two months imprisonment.
18 That was for criminal offences. What were
19 the offences that they were convicted of?

20 MR. DAVIDSON: They had been
21 for obstructing the police.

22 THE COMMISSIONER: You mean
23 the injunction and contempt procedures
24 didn't enter into it at all, it was simply
25 police action against violators of our
26 criminal law. That is just a fact that's
27 all.

28 MR. DAVIDSON: Well, under
29 the present legal system, as it applies, yes,
30 you would be correct. I would think, though,



1 that those people who are fighting for their
2 very livelihood, their jobs, were considered
3 to be in a much different thing than that.

4 THE COMMISSIONER: Oh, yes,
5 that is quite so.

6 MR. POLLOCK: So, when you
7 suggest on page 17:

8 "The main employer's weapon
9 against the workers was the
10 injunction."

11 ...it is really also the criminal law?

12 MR. DAVIDSON: Well, that is
13 a matter of opinion, I suppose, or at least
14 I am finding out here that it is a matter of
15 opinion as to what you think the effectiveness
16 of that injunction was in that particular
17 strike or any other strike. In our opinion,
18 we think it was the injunction that was
19 responsible in commencing the situation where
20 the workers' strength was being sapped or not
21 being allowed to be demonstrated enough so
22 that those people who had never spent a minute
23 on the picket line were able to take advantage
24 of a situation where there was an injunction
25 imposed to cross a picket line.

26 THE COMMISSIONER: What you
27 are really saying is that the injunction
28 opened the doors to people who were bound
29 to go in, if they could get in without
30 violence.



1 MR. DAVIDSON: Yes, after the
2 company had persuaded - or whatever it did -
3 or bribed them to convince them they should.

4 MR. POLLOCK: Well, of course
5 this was after some four months, or so, wasn't
6 it?

7 MR. DAVIDSON: Yes.

8 MR. POLLOCK: So I imagine
9 they were pretty open to economic persuasion
10 in the sense that just going back to work
11 would be enough.

12 MR. DAVIDSON: Well, peculiarly
13 enough, in that situation, it should not have
14 resulted in those people having to come to
15 a decision such as they did because of
16 economic reasons because our check showed
17 that during the whole course of the strike,
18 all of those people held full-time jobs
19 elsewhere.

20 THE COMMISSIONER: Well, Mr.
21 Davidson, in your first suggestion that a
22 company should be made to end all production
23 when the strike commences, do you have any
24 basic philosophy with the legislature to
25 help you to hold your members together?

26 MR. DAVIDSON: I am not
27 suggesting that, sir, no.

28 MR. RAND: Well, now just
29 a moment. If your strikers include all
30 production people and they hold together, then



1981

Nethercut & Young

Toronto, Ontario

1 the production ceases.

2 MR. DAVIDSON: Yes.

3 THE COMMISSIONER: If they
4 continue to hold together, that condition
5 does continue also.

6 MR. DAVIDSON: Not necessarily.

7 THE COMMISSIONER: Why not?

8 MR. DAVIDSON: Because the
9 company can import strike breakers.

10 THE COMMISSIONER: Well, we
11 don't have any importation here at the moment;
12 we are dealing with the same group of men.
13 Here is a contest between a group of shareholders
14 and a group of workers and the workers know
15 if they - and I'll credit them with intelligence
16 enough to know that - if they hold together
17 that production, so far, is going to stop.
18 The fact is that they didn't hold and you
19 are asking that they be compelled to hold.
20 Now, I am just asking you whether or not that
21 isn't an obligation which you must bear
22 yourself.

23 MR. DAVIDSON: Well, I say
24 that if the suggestions we make here are
25 acceptable, then it may not be necessary; I
26 don't know. But I would say this: that the
27 decision being made, you see, is a decision
28 by an organization and there is a right for
29 anyone to raise that point of view within
30 that organization.



1982

Nethercut & Young

Toronto, Ontario

1 THE COMMISSIONER: No, you
2 don't admit that these men should be permitted
3 to act as they did, but you are calling on
4 the government to compel the employer to
5 close his shop because your men won't hold
6 together. Now, it comes to that, apart
7 from the importation of strike breakers. Now
8 I am dealing first - apart from strike breakers -
9 you are asking the government to close that
10 door because you can't hold your men together.

11 MR. DAVIDSON: Well, look, if
12 you can't reach that point where the majority
13 of the people no longer support the strike,
14 then you have to call off the strike, don't you?

15 THE COMMISSIONER: No, you
16 didn't do that until some time afterwards.

17 MR. DAVIDSON: Well, we never
18 had the majority of the people supporting us.

19 THE COMMISSIONER: How many
20 of these people went back into the shop?

21 MR. DAVIDSON: I would say
22 there would be between - of the original
23 people at that time - I don't know when it
24 happened - maybe two years later, but at that
25 time I would think there would never be more
26 than 50 of the original people.

27 THE COMMISSIONER: How many
28 were there altogether?

29 MR. DAVIDSON: 275.

30 THE COMMISSIONER: And only 50



1983

Nethercut & Young

Toronto, Ontario

1 of them went back?

2 MR. DAVIDSON: Yes, at that
3 time. There may have been some since, I don't
4 know.

5 THE COMMISSIONER: Well there
6 must be more than that, because how many
7 outside strike breakers did they bring in?

8 MR. DAVIDSON: I would think
9 they imported perhaps 75 or 100.

10 THE COMMISSIONER: Well, isn't
11 it those who can't hold within the union and
12 the strike breakers that are the determining
13 factor in a situation of that sort? If your
14 own men will hold together, and there are no
15 outside men, then there is no production. I
16 would say, in that situation, the responsibility
17 for holding them together must be assumed by
18 the union and not by the government.

19 MR. DAVIDSON: We may do that
20 with our union ----

21 THE COMMISSIONER: And then
22 another feature is introduced when you are
23 speaking about strike breakers coming in from
24 the outside.

25 MR. DAVIDSON: Yes, I agree
26 with you there but in many strikes the company
27 is not above insisting that the salaried
28 personnel, for instance, carry out production.

29 THE COMMISSIONER: What do
30 you say about allowing any of the original staff



1984

Nethercut & Young

Toronto, Ontario

1 in that employment to be called upon to do
2 any other work that is necessary to maintain
3 the life of the enterprise?

4 MR. DAVIDSON: Well, generally
5 those problems can be resolved between the
6 company and the union even though the strike
7 exists.

8 THE COMMISSIONER: Suppose
9 you put the foremen on some small features
10 of production.

11 MR. DAVIDSON: Why would
12 he have to do that?

13 THE COMMISSIONER: Well,
14 supposing the foremen are there and they are
15 willing to do that work?

16 MR. DAVIDSON: We would
17 disagree very strongly.

18 THE COMMISSIONER: You think
19 they ought to be prevented from doing that?

20 MR. DAVIDSON: Yes, I do.

21 THE COMMISSIONER: Although
22 really, the original quarrel is with the body
23 of workers generally. I suppose you would
24 exclude those in the office?

25 MR. DAVIDSON: Yes, unless
26 they were in the same local union.

27 THE COMMISSIONER: Now, making
28 strike breaking a criminal offence; aren't
29 you going pretty far?

30 MR. DAVIDSON: Well, why don't they?



1 THE COMMISSIONER: Because
2 men may be starving.

3 MR. DAVIDSON: Well, why
4 don't they take it up with their organization?

5 THE COMMISSIONER: I would
6 say this: that you would be in a much
7 stronger position if you were more fully
8 organized. But that responsibility is
9 assumed by you, isn't it? Organized labour
10 today has its duty on its own resources to
11 expand and bring more men in and to organize
12 a greater solidarity. You can't ask the
13 government to do that for you.

14 MR. DAVIDSON: I am sorry,
15 I don't understand.

16 MR. POLLOCK: There is a 25
17 per cent non-agricultural work force unorganized.
18 The question is, why haven't you organized
19 the other 75 per cent? Do you want the
20 government to do that for you by prohibiting
21 people from going to work in a strike-bound
22 plant?

23 MR. DAVIDSON: Do you want to
24 have another Royal Commission on the whole
25 Labour Relations Act?

26 THE COMMISSIONER: But what
27 do you think yourself?

28 MR. DAVIDSON: I think that
29 labour unions have an obligation, sir, to
30 every unorganized worker in this country to



1986

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1 see that he at least has the opportunity to
2 receive representation from the trade union
3 of its choice.

4 THE COMMISSIONER: Well, why
5 haven't you done that? What have been the
6 obstacles?

7 MR. DAVIDSON: Well, some
8 of them have been the present Labour Relations
9 Act.

10 THE COMMISSIONER: How does
11 the Act play any part in this?

12 MR. DAVIDSON: Well, first
13 of all, there are certain problems with the
14 Act in relation to organization; when you
15 go out to sign people up, you have to collect,
16 for instance, a dollar from the person who,
17 in some industry in this community and in
18 the province, would find it very difficult
19 to be able to give you - that is to afford it.
20 We have people who work for very low wages.
21 There is the difficulty, sometimes, of forces
22 being able to have enough people to go out
23 and organize some large industries and some
24 unions find this more difficult than others
25 depending on their size and the availability
26 of money to organize people.

27 THE COMMISSIONER: But doesn't
28 it all come to this - that a good many people
29 are more or less satisfied to go along with
30 the course in which they find themselves? If



1987

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1 they are suffering, why don't they cease the
2 idea of unionization?

3 MR. DAVIDSON: Well, I didn't
4 say that they were necessarily suffering.
5 Many companies are much more sophisticated
6 than they used to be and they may try and
7 keep certain conditions and wages fairly
8 close to what another group of persons has
9 been able to achieve through a trade union.
10 We have some fine examples of that right
11 in Hamilton, as a matter of fact, and it
12 is quite possible that those workers are
13 going to be very difficult to organize. But
14 I quite agree that the trade union movement
15 still has a responsibility to try and
16 organize them, and I think that with the
17 limited funds and resources that we have,
18 that we are making some headway in this
19 regard. I think the certifications before
20 the Labour Relations Board in the past period
21 of time, indicate that there are a number
22 of organizations making an effort in this
23 direction.

24 THE COMMISSIONER: What do
25 you say just in the way of examining the
26 purposes of organization, what do you think
27 of unions that would raid other unions to
28 increase their own membership? What is
29 their object?

30 MR. DAVIDSON: What is their



1988

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1 object? I would say - I would take a very
2 strong point of view against it, Mr. Chairman.
3 I don't think that it would effectively assist
4 the workers of the greater organization or
5 the organization that it is raiding.
6 Unfortunately, many people come to the conclusion
7 that the raiding organization is one that
8 is seeking simply membership and power. It
9 may be that from their point of view, I
10 suppose, a feeling that they were going
11 to assist the workers that they were raiding,
12 I don't know. Our own organization's approach
13 to the question of raiding is that we are
14 strongly opposed. That does not mean that
15 when we are raided that we won't raid back.
16 It is a matter of protecting ourselves.

17 THE COMMISSIONER: Well, I
18 suppose there is the desire to achieve greater
19 power through larger groups of men. That
20 is the individual's concern, sometimes, isn't it?

21 MR. DAVIDSON: I don't know
22 that it would be an individual objective
23 in the trade union movement as it exists
24 today, that is in the industrial trade unions.
25 I don't know that any one individual in an
26 organization is so powerful that he would
27 make all the decisions.

28 THE COMMISSIONER: No, not
29 make all the decisions, but wouldn't he be
30 dominated by the idea of expansion of his own



1 group, among other things, for his own
2 glorification, or anything you please to
3 call it.

4 MR. DAVIDSON: There may be
5 some individuals like that but the very
6 life of a trade union, of course, depends
7 on its growth. To be a vibrant organization
8 and be able to contribute to the people it
9 represents and to make successful gains
10 for its membership, surely one of those
11 things has to be a continual growth of
12 that organization.

13 THE COMMISSIONER: Yes, and
14 I don't criticize that.

15 MR. DAVIDSON: But I don't
16 think, to make it clear, that the growth of
17 one organization should be at the expense
18 of the other.

19 THE COMMISSIONER: Well, I
20 would conceive all of these moves as having
21 one thing in mind and that is the improvement
22 of the conditions of living of all men in
23 the worker's organization, and their actions
24 ought to be supplementary to one another,
25 rather than in conflict or competition to
26 one another.

27 MR. DAVIDSON: Well, the
28 trouble sometimes develops, not only in the
29 trade union movement, but competitiveness
30 becomes the objective and this becomes the



1990

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1 overall approach to the question, rather than
2 consultation and legitimate improvements
3 for the people they are representing.

4 MR. POLLOCK: In the second
5 suggestion you declare:

6 "A plant should be declared
7 neutralground, and the
8 strikers should be able
9 to choose whether to picket
10 or stay in. That is stay
11 in the plant until the dispute
12 has been settled."

13 Does that mean what it says?

14 MR. DAVIDSON: I am saying
15 there has been a lot of discussion in the
16 press - that pickets are getting away
17 with things. They are prevented from
18 going inside the plant.

19 THE COMMISSIONER: Well,
20 they are proposing neutral zones between
21 nations.

22 MR. POLLOCK: In the fifth
23 suggestion you say:

24 "Any attempt by a Company or its
25 agents to intimidate, coerce,
26 threaten or bribe a striker
27 or his family in the course
28 of a strike should be punishable
29 by a fine of \$1,000.00 a day
30 for as long as such intimidation,



1991

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1 coercion, threat or bribe

2 continues."

3 Would you apply that to a union in relation
4 to threats, intimidation, coercion, bribery
5 of a strike breaker? A person who wants
6 to go to work in that plant, a recalcitrant
7 member of a union? That is a person who
8 wants to go back to work.

9 MR. DAVIDSON: If he comes
10 to a properly conducted union meeting
11 and he expresses his point of view, that he
12 thinks the thing should be called off.

13 MR. POLLOCK: And this man
14 wants to go back to work.

15 MR. DAVIDSON: And he thinks
16 the strike should be called off but he
17 doesn't actually go across the picket line.

18 MR. POLLOCK: He wants to
19 go back to work and somebody says to him, or
20 you say to him, "You go back to work and
21 we're going to cause you some bad damage".
22 If he can establish that?

23 MR. DAVIDSON: I am not too
24 sure that the Commission has the whole point
25 of what I have been making all along, and that
26 is that the union represents the worker.

27 MR. POLLOCK: Well, I appreciate
28 that.

29 MR. DAVIDSON: Well, all right,
30 so there is a decision that a strike should be



1992

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1 over and that has to be a decision of the workers
2 involved; either that strike continues until
3 the majority says it doesn't. Why should
4 a minority of the people in that plant be
5 able to dictate the conditions for the majority,
6 just because they want to go back to work?

7 THE COMMISSIONER: The only
8 thing I can say in relation to that is that
9 it is your obligation to secure to yourself
10 and the union, the solidarity of its members.
11 You cannot ask the public to do that for you.

12 MR. DAVIDSON: Yes, sir, and
13 I am saying, and the point I want to make,
14 which I think is very important, is that
15 as long as a majority of those people involved
16 in the strike think the union is carrying
17 out its obligation, then why should the
18 minority be able to upset the applecart?

19 THE COMMISSIONER: Well, I
20 don't think we can come to agreement here
21 because I think it should be done rationally
22 and not by force. We ought to be thinking
23 about merging into a civilization now where
24 someone could settle these minor things,
25 because that is all they are. When you get
26 a proper social outlook the mere fact of a
27 picket man walking up and down is an act
28 of imagination. You think you see a line
29 there and there is something visible or
30 symbolic and you won't cross it.



1993

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1 The essential interest is that
2 the division of the spoils or the division
3 of the production is accomplished by workers
4 generally and we are reaching the stage now.
5 Now 15 hundred years ago they were fighting
6 about private rights or the composite rights
7 of groups and we have gone beyond that.

8 MR. DAVIDSON: Don't you
9 think a problem exists? And wouldn't you
10 think that the question of the means of
11 production, who owns them has something to do
12 with that? Or controls them or runs them?

13 THE COMMISSIONER: I would
14 think the way our society has evolved that
15 you have got to look at things in a different
16 light. I agree with that, but all I am saying
17 is that what you are attempting to insist
18 on today in the presence of that evolution
19 are tactics that were appropriate 15 hundred
20 years ago, and not today.

21 MR. DAVISON: Well, maybe
22 you have some real solutions as to how you
23 get through to the hard-headedness of the
24 companies.

25 THE COMMISSIONER: Well, I
26 wanted to get some suggestions from you as
27 to how it may be. And you do that on the
28 last page.

29 Now, Mr. Davidson, I am very
30 much obliged to you for the discussion we have



1 had.

2 MR. POLLOCK: Mr. Brown, do
3 you have any points, or submissions you would
4 like to make?

5 MR. BROWN: No, I think Mr.
6 Davidson has covered it.

7 MR. DAVIDSON: We have a
8 whole legislative committee here. Would it
9 be possible for me to have a word with them
10 and then speak to you later?

11 THE COMMISSIONER: Well, yes,
12 we will speak to anybody.

13 MR. POLLOCK: We may have
14 time for some of you after lunch, Mr.
15 Davidson.

16 MR. DAVIDSON: Well they may
17 want to add just a little to the local situation.

18 THE COMMISSIONER: Certainly,
19 we will speak to them later.

20 ---Luncheon adjournment.
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1 ---On resuming

2 MR. POLLOCK: As a supplement
3 to the United Electrical Radio and Machine
4 Workers of America general presentation this
5 morning, I understand that Mr. D. Fitzgerald
6 and Mr. J. Schofield of Locals 520 and 504
7 respectively, have something to add. Would
8 you gentlemen come forward. Mr. Davidson,
9 will you speak?

10 MR. DAVIDSON: Mr. Schofield
11 will speak for us. These gentlemen have a
12 few points to discuss.

13 MR. SCHOFIELD: I am Chairman
14 of Stewards Council of Local 504, and our
15 stewards body consists of over 100 workers.
16 We have, on occasions, debated and discussed
17 compulsory arbitration - whether it is beneficial
18 or whether it isn't beneficial to the worker.
19 We unanimously have come to the conclusion
20 that on certain types of grievances, arbitration
21 is not the answer and we feel, as a body, that
22 we should have the right to strike on certain
23 types of grievances with the company to bring
24 about a settlement.

25 MR. POLLOCK: These discussions
26 that you have had, restricted themselves to
27 compulsory arbitration of grievances rather
28 than compulsory arbitration in the broader
29 interest sense, as an alternative to negotiating
30 to strike?



1 MR. SCHOFIELD: Yes, we are
2 more concerned with the grievances.

3 MR. POLLOCK: What types of
4 grievance did you think would best lend them-
5 selves to be resolved by another method?

6 MR. SCHOFIELD: Well, some
7 considerable time ago, we negotiated out of
8 our contracts, the incentive system and we
9 negotiated into our contracts a strictly
10 day-rate system and, by mutual agreement
11 with the company and the union, the workers
12 would give an honest day's effort for an
13 honest day's pay and all workers ----

14 MR. POLLOCK: Whatever that
15 means.

16 MR. SCHOFIELD: It means, sir,
17 that workers go to the shop and do the job
18 they are doing to the best of their ability
19 and most workers, I submit, do that. We
20 have had instances where the company have
21 brought out time-study men and by intimidation
22 and other methods, have attempted to speed
23 up workers and where a worker has not been
24 intimidated and has continued to work as hard
25 as he safely can, they have brought about the
26 dismissal of this worker.

27 Now, I respectfully submit
28 that a judge can interpret the contract
29 properly and I don't question this. But
30 he can't interpret the situation that brought



1997

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1 the grievance about in the shop and it is on
2 this type of grievance, where there is an
3 injustice of this nature, that we feel we
4 should have the right without going to
5 arbitration, to go out on the street and
6 settle the grievance with the company in
7 this manner.

8 THE COMMISSIONER: Well, if
9 he is instructed by you on the facts, why
10 can't an arbitration board accept the
11 description of the facts which you give to
12 it?

13 MR. SCHOFIELD: Because it
14 would be impossible, sir, to describe the
15 situation that exists within a factory. You
16 have to see them.

17 THE COMMISSIONER: Well, they
18 could go down and see them at the plant.

19 MR. SCHOFIELD: I stand
20 corrected, but the only time an arbitrator
21 is in the plant is in a job evaluation
22 agreement.

23 THE COMMISSIONER: But have
24 they been asked?

25 MR. SCHOFIELD: That, I don't
26 know, sir.

27 THE COMMISSIONER: There is
28 nothing in the nature of things to prevent
29 them.

30 MR. SCHOFIELD: From going in,



1 you mean?

2 THE COMMISSIONER: Because
3 to go into court, you take a view of the scene
4 in order to interpret the scene accurately.

5 MR. SCHOFIELD: All I know
6 is the work load placed on the men in a
7 particular department in the Westinghouse -
8 it was impossible for all men to do that.
9 It was possible for some men, but it was
10 humanly impossible for all men to compete
11 at the same speed.

12 MR. POLLOCK: What was the
13 exact terminology of your change in collective
14 agreement? I hope it was something more
15 specific than an honest dollar for an honest
16 day's work.

17 MR. SCHOFIELD: You know what
18 the incentive system is - every man would be
19 paid whatever his hourly rate is and would
20 be expected to produce to the best of his
21 ability.

22 MR. POLLOCK: And how do they
23 determine what was to the best of his ability?

24 MR. SCHOFIELD: Well, if a
25 man is going steady for 8 hours a day, I am
26 sure that is the best of his ability.

27 MR. POLLOCK: Well, surely,
28 under the incentive system, it wasn't gauged
29 for the highest performance - that you had
30 to match up to the fastest man in the shop.



1 The man who worked - the average man, as I
2 understand the incentive - would earn the
3 average wage.

4 MR. SCHOFIELD: That is right.

5 MR. POLLOCK: And if you could
6 work faster, you could make more.

7 MR. SCHOFIELD: Right, and
8 this was apparently quite all right with the
9 company, but now, they are picking the fastest
10 men and trying to force the other men to compete
11 with the fastest men.

12 MR. POLLOCK: Well, under
13 the present system, the fastest man gets
14 no bonus for working faster.

15 MR. SCHOFIELD: This is quite
16 true, yes.

17 THE COMMISSIONER: Well, in
18 some industries, haven't they been able to
19 reach a means of determining the quantity of
20 work that should be allocated to a given job?

21 MR. SCHOFIELD: Well, I know
22 that in a Westinghouse plant, the only criteria
23 of the amount of work that has to be done, is
24 the company making the statement "We will build
25 so much p er day".

26 THE COMMISSIONER: But you
27 have heard of the system where they attribute
28 so much work for a certain job and a certain
29 job ought to take you half an hour or two hours
30 or ten hours - whatever it may be.

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1 MR. SCHOFIELD: Well, they
2 did this under the incentive system.

3 THE COMMISSIONER: That was
4 part of the incentive?

5 MR. SCHOFIELD: Yes, but if
6 the company, sir, comes down and says to a
7 worker, "We have three hours to do this job",
8 the worker, at this point, can say to the
9 foreman "I can't do it in three hours", but
10 he has no recourse.

11 THE COMMISSIONER: But isn't
12 that a subject that should be subject to
13 negotiation in the first instance?

14 MR. SCHOFIELD: I don't know
15 how, sir, you can stop a company from speeding
16 up during negotiations. As an example, we
17 did away with the incentive.

18 THE COMMISSIONER: I may be
19 wrong but I have in mind that in some agreements
20 that is spelled out. The means is spelled
21 out by which that quantity of work can be
22 determined.

23 MR. POLLOCK: Like work time
24 study.

25 MR. SCHOFIELD: The company
26 has time studies but we, as workers, don't
27 have to recognize time study. Time studies
28 are strictly for the cost evaluation for the
29 company under our present system.

30 THE COMMISSIONER: It would

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1 seem to me to be common sense that management
2 would join with the workers and agree on a
3 fair time required for a certain kind of
4 work.

5 MR. SCHOFIELD: I would agree,
6 sir, that it would be common sense if the
7 management would agree with the workers on
8 setting time, but management will not do this.
9 They demand the right to set the time and try
10 and enforce that time.

11 THE COMMISSIONER: Well there
12 is the case where, when you are in negotiation
13 at the termination of the contract, that you
14 are in a position to strike; not when the
15 contract is in effect.

16 MR. SCHOFIELD: Well, sir,
17 we negotiated a contract in good faith and
18 it was agreed by the company that we would
19 do away with the time study.

20 THE COMMISSIONER: Well, can't
21 you be in good faith when you ask them to have
22 such a question submitted to a joint committee?

23 MR. SCHOFIELD: How do you mean,
24 sir?

25 THE COMMISSIONER: To have
26 a joint committee determine the time that is
27 to be attributed to a certain job.

28 MR. SCHOFIELD: There is no
29 such thing in Canadian Westinghouse as a
30 joint committee.

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1 THE COMMISSIONER: Can't you
2 introduce it?

3 MR. SCHOFIELD: We can try,
4 sir, but I assure you, Canadian Westinghouse
5 is not concerned with a joint committee.

6 THE COMMISSIONER: If you are
7 going to be prepared to - or you are willing to-
8 strike as a grievance, then you could strike
9 as a refusal on the part of the company to
10 incorporate such a means in the agreement.

11 MR. SCHOFIELD: At the present,
12 we can't strike under any condition until
13 the agreement expires.

14 THE COMMISSIONER: I know, but
15 when you are negotiating after the agreement
16 has expired, when you are negotiating for new
17 terms, why can't you make that one of the new
18 terms?

19 MR. SCHOFIELD: Well, if we
20 approach the company and we go in with so
21 many offers to the company and one of our
22 offers was that we mutually agreed on prices
23 and costs and the company agreed with 75
24 per cent of our demands and left this one
25 out, we are then in a situation, sir, where
26 you can get all the workers to agree to go
27 on strike for a lengthy time for that one
28 cause.

29 THE COMMISSIONER: Well, that
30 may be.



1 MR. SCHOFIELD: Then we are
2 stuck with the same problem again. Therefore,
3 we say, when an injustice is performed by
4 the company, that we should have the right
5 instead of taking it to arbitration, to be
6 able to go on strike with the company and
7 settle that agreement between ourselves.

8 MR. POLLOCK: But it is
9 an injustice only in your eyes?

10 MR. SCHOFIELD: It is an
11 injustice in the workers' eyes, yes, but
12 they are the ones who are working there and
13 they are the ones who are making the product
14 and they are the ones who are working under
15 the conditions that the company is putting
16 down.

17 MR. POLLOCK: You are saying
18 because it is so difficult to determine what
19 the actual rate should be, then the feelings
20 of the people working in the plant ought to
21 be the determining factors. "We feel
22 that is an unjust rate and we don't know what
23 a just rate would be and we don't know how
24 you could objectively determine it, but we
25 feel that it is an unjust rate and, therefore,
26 we ought to strike".

27 MR. SCHOFIELD: What I am saying
28 is that it is an unjust act to take one man
29 in the shop who may be an exceptionally fast
30 worker and you have men like this, and try and



1 make his speed the responsibility of every
2 man in the department.

3 MR. POLLOCK: I would think
4 you would have to have a fairly thick arbitration
5 board that wouldn't appreciate that. I think
6 if that was the position of the company - taking
7 the fastest man in the shop and saying everyone
8 must match up to him, I don't think you would
9 have much difficulty in successfully proceeding
10 with your grievance.

11 MR. SCHOFIELD: We have a man
12 on the street right now who lost an arbitration
13 award and these were the circumstances that
14 created the situation for which he was fired.

15 MR. POLLOCK: Well, you couldn't
16 have put your case as clearly as you did today,
17 then.

18 MR. SCHOFIELD: Well, I am
19 sure the workers would put their case clearly
20 if they had the right to strike on certain
21 issues without going to arbitration.

22 MR. POLLOCK: Is that the
23 only one you can think of at the moment?

24 MR. SCHOFIELD: I can think of
25 a situation in a west end plant where we have
26 girls on a job that is in our labour grade II
27 which is the second lowest labour grade, where
28 the education qualifications and all types of
29 qualifications are of very low calibre, and we
30 have one in our contract - the five-day training

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1 course, and the company have used this one
2 thing to keep the girls out - not that they
3 couldn't perform the work, but they can't
4 perform the work fast enough within five days.
5 Now we submit that speed isn't training. I
6 mean a person has to be trained to do the work
7 but we have never accepted the fact that a
8 person has to pick up the speed of the job
9 within a five-day training period. The
10 company has gone to arbitration that won
11 this particular grievance, and I would submit
12 that if we had the right to strike on that
13 grievance, that we would have struck long ago.

14 THE COMMISSIONER: Why did
15 you go to the incentive plan?

16 MR. SCHOFIELD: Because in
17 the opinion of our union, the incentive is a
18 dog-eat-dog affair and accomplishes nothing.

19 MR. POLLOCK: It accomplishes
20 production.

21 MR. SCHOFIELD: Well, in the
22 opinion of the worker, it accomplishes nothing.

23 MR. POLLOCK: It accomplishes
24 greater remuneration for faster people.

25 MR. SCHOFIELD: This isn't true
26 sir. While I am in a shop and can make 175
27 per cent above my basic rate, the company will
28 spend hours and money and time devising new
29 methods and new means to cut me down to what
30 they consider - at one time, sir, I used to work



1 on salary and I worked in the time study depart-
2 ment and I was at a meeting where it was said
3 by a company official that no man in Canadian
4 Westinghouse is worth more than 120 per cent
5 so, therefore, sir, I submit that if they
6 believe this, they are going to spend hours
7 and time to cut a man's wages down to that
8 level. The incentive system is a dog-eat-dog
9 system.

10 MR. POLLOCK: Under the present
11 system the slower workers are getting the
12 same amount as the faster workers so that,
13 in a sense, the faster workers are subsidizing
14 the slower workers.

15 MR. SCHOFIELD: This is true
16 but a man who is slow isn't slow because he
17 is doing it deliberately. He is slow because
18 of his capabilities.

19 MR. POLLOCK: That is right.
20 I am sure you are much faster at doing something
21 like that than I would be - or perhaps the
22 shorthand reporter.

23 THE COMMISSIONER: You are
24 strictly advancing the idea of equalizing all
25 returns.

26 MR. SCHOFIELD: That is right.

27 THE COMMISSIONER: Well, what
28 is the feeling of the chap who, without extra
29 effort, can work fast? We have all different
30 degrees of talent.



1 MR. SCHOFIELD: I don't think
2 he is too concerned. If he can work faster
3 and he produces more and he knows the worker
4 beside him is genuinely trying and can't, the
5 average worker in the shop doesn't hold it
6 against him. He isn't under the incentive
7 system and why should he, now. But the
8 stewards body feels very strongly about this;
9 that arbitration is not the answer for all
10 grievances and we feel that we should have
11 the right to strike with the company and
12 negotiate certain types of arbitration.

13 THE COMMISSIONER: I don't
14 see why - well, you say that you are uncertain
15 whether the employees would strike on such
16 an issue.

17 MR. SCHOFIELD: I didn't say
18 that. I said we wish to have that right.

19 MR. POLLOCK: But you are
20 uncertain as to whether or not, under the
21 present legislative open period that you could
22 strike whether, if you got 75 per cent of
23 the rest of your claims satisfied, and this
24 was the only outstanding issue, some kind of
25 determination by joint agreement of the work
26 load.

27 MR. SCHOFIELD: I am saying
28 by joint agreement, if you have a negotiated
29 contract basically, I would think if your
30 demands are on the table and have been accepted

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1 by the company and you have this one small
2 demand, that it is rather irresponsible of
3 a union at this point, to drag out 38 hundred
4 people over this one demand.

5 THE COMMISSIONER: But if you
6 feel justified to strike during the contract,
7 why isn't it sufficient during a negotiation?

8 MR. SCHOFIELD: We can't take
9 38 hundred people out on strike unless we
10 get full support.

11 THE COMMISSIONER: Well, if
12 you are afraid of it after the agreement, why
13 should you be afraid of it as a grievance?

14 MR. SCHOFIELD: We don't think
15 it should be tied in with the agreement. We
16 think we should have the right to strike in
17 cases where we don't feel that arbitration is
18 going to settle it.

19 MR. POLLOCK: Well, we understand
20 your submission on this point thoroughly.

21 MR. FITZGERALD: Mine is slightly
22 different. This morning you were asking
23 questions about the Act itself; that is the
24 Labour Relations Act. One of the things that
25 has occurred to me - and to many people in our
26 union - is that on a certification vote, it is
27 necessary for the union applying to get the
28 majority of the people eligible for the vote.
29 They may win the vote but those who actually
30 vote on the day of the vote, but they could still



1 lose a certification because those absent on
2 the day of the vote are automatically counted
3 against the union. You have to get the
4 majority. But at the same time, if you have
5 any other type of elections, civic or otherwise,
6 you don't use the same system because obviously
7 the majority of the people do not vote in any
8 civic election, so you couldn't use the same
9 system and still have a civic government.

10 In this case, where the union
11 is trying to get in as the bargaining agent,
12 and they get the majority of those voting -
13 and it could be a substantial part of the
14 bargaining unit - but because of the fact
15 they count those absent, or not voting against
16 the union, then they lose the vote.

17 MR. POLLOCK: Well, I think
18 that gets right into the question of portions
19 of the Labour Relations Act, which I think
20 are beyond the scope of this Commission's
21 terms of reference, but we have your submission
22 on that. Your view is that it should be
23 satisfactory that the union get the majority
24 support of those voting as opposed to having
25 to carry the whole unit?

26 MR. FITZGERALD: That is
27 right.

28 MR. POLLOCK: Thank you. I
29 understand that now.

30 Hamilton and District Labour

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1 Council of the Canadian Labour Congress,
2 William F. Scandlan, Secretary, F. Stewart
3 Cooke, President.

4 Mr. Cooke, you are the
5 President of the Hamilton and District Labour
6 Council?

7 MR. COOKE: Yes. Mr. Hugh
8 Usher is the Vice-President of the Council.

9 MR. POLLOCK: We haven't had
10 an opportunity of reading this submission of
11 the Hamilton and District Labour Council.

12 MR. COOKE: I was going to
13 say you couldn't get away with your proposal
14 this morning with me, because you haven't had
15 a chance to see it.

16 MR. POLLOCK: Would you care
17 to read this brief?

18 MR. COOKE: Yes, I would rather
19 read it and it would probably take less time.

20 The Hamilton & District Labour
21 Council represents the local unions in the
22 Hamilton area that are affiliated to the
23 Canadian Labour Congress. We currently
24 represent 109 local unions whose aggregate
25 membership is 38,000.

26 For some months now, our Labour
27 Council Executive has been garnering information
28 from the unions affiliated to the Council.
29 These unions vary from relatively small units
30 having collective bargaining agreements with



1 only one employer, through to our largest
2 affiliate, which also has a bargaining
3 relationship with only one employer, but
4 which represents over ten thousand workers.
5 In between, we have unions who have very
6 large numbers of collective bargaining
7 agreements. Some are new, and some are old;
8 and some of our unions have existed for as
9 long as 86 years.

10 In total, these 49 unions, from
11 their beginnings, have negotiated in excess
12 of 35 hundred collective agreements, and
13 their reports to this Labour Council indicate
14 that they have had 38 strikes covering the
15 total period of their existence. We
16 recognize that these strikes have, on occasion,
17 had serious economic effects in Hamilton,
18 particularly the strikes at The Steel Company
19 of Canada in 1946 and again in 1958. However,
20 included in this total of 38 strikes is a strike
21 of 13 people, the Pattern Makers' Union, with
22 a duration of 16 weeks, which took place in
23 1905. It could hardly be said that that
24 strike seriously affected the economy.

25 We recognize, of course, that
26 there are many other strikes which have
27 occurred in Hamilton by unions not represented
28 by our Council, and that they might change
29 these figures somewhat if a total picture
30 were available to us. However, the point that



1 is very clearly shown here would be just
2 as dramatically demonstrated by the inclusion of
3 all figures; that is, that for every contract
4 that is settled as a result of a strike,
5 or for every strike that fails and no
6 contract results, something in excess of
7 90 contracts are settled without strikes at
8 all. Very little, if any, attention is paid
9 to the fact that many of these strikes are
10 of very short duration; some for as short
11 a period as one day, and many more of them
12 generally for only a few weeks. One of our
13 unions has been in existence for 86 years,
14 and has negotiated 650 agreements with
15 varying employers. This union has had one
16 strike affecting 1100 people for 13 weeks
17 during almost a century of their history.
18 Others of our unions have been in existence
19 a much shorter period of time, have had only one
20 collective agreement and have had to conduct
21 a strike in order to achieve that collective
22 agreement.

23 The information we put forward
24 indicates that the right to strike has not
25 been abused, and that the frequency of strikes
26 is not the problem that it might be when
27 examined under the short run. The pattern
28 of these strikes seems to fall into the
29 following categories; Quite a number following
30 the World War I period; a large number

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1 during the organizational period of industrial
2 unions immediately prior to and following
3 World War II, and again, in the early 1950's
4 when such matters as health and welfare
5 agreements, pension agreements, and S.U.B.
6 agreements were established through industrial
7 bargaining and, more recently, in the mid-60's.
8 Each of these periods of time corresponds to
9 periods when working people made substantial
10 improvements in their lot in society and,
11 therefore, any dislocation or disruption in
12 the economy must be viewed in light of the
13 general benefit.

14 In view of the Hamilton &
15 District Labour Council, the improvements
16 made for working people, who make up the vast
17 majority of citizens of this community, have
18 been very much worth the difficulties that
19 have had to be sustained, both by those in
20 the work force and the remainder of the community
21 during periods of strike.

22 The right to strike has been
23 important through all of this history. We
24 have had, in this community, strikes of a
25 very violent nature, and very peaceful strikes.
26 We have had strikes where violence has occurred,
27 and where injunctions have not been imposed
28 or sought. We have had strikes of a peaceful
29 nature where injunctions to restrict picketing
30 have been sought and obtained, and we have



1 had at least one strike of a peaceful nature
2 where an injunction was sought and denied.

3 INJUNCTIONS

4 The Hamilton & District Labour
5 Council takes the position that court
6 injunctions are improperly applied when used
7 in labour disputes. The result of the
8 application of injunctions has been, in the
9 main, to restrict people's rights of freedom
10 to assemble, freedom of dissemination of
11 information, and their freedom to contact
12 one another. In the Dominion Glass strike
13 in 1962, the interim injunction restricted
14 pickets to four at a gate and forbade them
15 to picket within 500 feet of the premises of
16 the company. This injunction was continued,
17 and it had the ludicrous effect of placing
18 the employees who wished to picket the
19 Dominion Glass Company in front of the Hoover
20 Company on C.N.R. premises, and on Barton
21 Street, a full city block away from the plant
22 premises; a city block which is made up of
23 residential homes and other small businesses.
24 Barton Street is one of Hamilton's main streets,
25 and it was not clearly apparent whether the
26 Hoover Company was on strike, whether the
27 drug store, banks and other businesses, which
28 operate on Barton Street, were being picketed,
29 but certainly, in no event would a casual
30 pedestrian on Barton Street have ever connected

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1 the pickets with the Dominion Glass Company.

2 Such an injunction effectively
3 removed the right to picket the Dominion
4 Glass Company. Such are the procedures
5 of our courts, that this kind of an injunction
6 was obtained under circumstances where the
7 picketers were engaged in no different
8 activity than were the picketers at The
9 Steel Company of Canada in 1958, where an
10 injunction was denied; the major difference
11 being that in 1958, the Steel Company of
12 Canada did not ask for or obtain an ex parte
13 injunction and, therefore, when the application
14 for an injunction was heard, there was no
15 injunction in effect, whereas at the Dominion
16 Glass Company, an injunction was in effect
17 and really before the court was whether it
18 should be continued or not.

19 " In the case of the Steel Company
20 of Canada, the Steelworkers Union were able
21 to use the notice given to obtain evidence
22 that an injunction was not necessary and that,
23 in fact, every attempt was being made to keep
24 the picket lines peaceful." I might say that
25 both these picketings were difficult, both
26 in the Dominion Glass strike and in the Stelco
27 strike. The unions in both instances had
28 a policy that the management and the office
29 personnel should not be interfered with
30 in their entrance and access to the plant and

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1 both of them urged that anyone trying to do
2 business with them, stay away from the plant.
3 The circumstances were very much the same
4 in the submissions that went to the court
5 from both the Dominion Glass Company and
6 the Steel Company of Canada. Evidence was
7 there that trucking and things of this
8 kind had been interfered with and there were
9 a number of other things.

10 The difference was clearly,
11 as I pointed out here that the Steelworkers
12 did not have to face an ex parte injunction .
13 We were in a position that we could spend
14 our notice time seeking affidavits and seeking
15 the necessary defence to an injunction
16 application.

17 The court was not in a position
18 of having already made up its mind that an
19 injunction was necessary on ex parte information
20 and the court was not in a position where it
21 was deciding really whether to continue an
22 injunction but whether to issue one; and there
23 is a great difference. In our view, that
24 difference was very clearly spelled out in
25 such similar circumstances and I would ask
26 this Commission if they would take a clear
27 look at these two cases, because they have
28 many, many parallels.

29 " The court, in the Dominion Glass
30 case, had given an interim injunction on an



1 ex parte basis and the union, therefore, was
2 really in the position of showing cause as to
3 why an injunction should not exist. In such
4 cases, too little weight is given to the fact
5 that rights of people are being taken away,
6 and too much weight is given to the rights of
7 companies to do business.

8 Other means of maintaining law
9 and order are available, and, in fact, injunctions
10 have proved a failure in the attempt to
11 maintain law and order. Every person who feels
12 strongly enough to wish to take part in a
13 public demonstration of his feelings, or to
14 peacefully picket or disseminate information,
15 becomes subject, in addition to the normal
16 laws that face us all every day, to the
17 possibility of being in contempt of court.
18 Most injunctions include in them that anyone who
19 is aware of the injunction is also enjoined,
20 thus taking away from citizens who have not
21 in any way breached the law, rights that they
22 had previously held up to that time. "

23 If you really want to be
24 ludicrous about this, you could take the position
25 that Dominion Glass management were in, they
26 couldn't even walk down in front of their
27 own plant because they were aware of the
28 injunction which forbid it. That is, if they
29 were in more than groups of four.

30 MR. POLLOCK: Presuming that they



1 were picketing.

2 MR. COOKE: Yes, presuming they
3 were picketing. They couldn't even walk up
4 and down carrying pickets saying their picketing
5 employees were unfair.

6 " These injunctions place a
7 tremendous onus on the union because they
8 still wish to carry out their strike, and if
9 they carry out their picketing under the
10 rules that have been laid down by the court
11 order, they can find themselves in violation
12 simply because other people have failed to
13 live up to the injunction. For example, where
14 a union is restricted to four pickets per
15 entrance, if five or six other people, whether
16 members of that union or not, join them, the
17 picketers must either leave, try to persuade
18 the others to leave, or they find themselves
19 subject to arrest and charge of contempt of
20 the court order; all of this despite the
21 fact that the union may well have set up
22 the best procedures it can to conduct itself
23 under the terms of the court order. These
24 people can find themselves outside the law,
25 not with intent, not by accident or lack
26 of knowledge, but simply by the ridiculous
27 rule that is prescribed by the court order
28 over which they have no control, and which
29 cannot effectively be policed by the law
30 enforcement agencies.



1 Since the courts have now
2 established so much jurisprudence in this
3 area, and, therefore, cannot extricate
4 themselves from the situation, it becomes
5 necessary for legislative change, and the
6 Hamilton & District Labour Council asks this
7 Commission to find that injunctions should
8 not be used in labour disputes, and to
9 recommend to the various levels of government
10 that injunctions should not be issued in
11 labour disputes.

12 PICKETING

13 It should be recognized that
14 picketing takes place in order that workers
15 can protect their jobs and, therefore, a
16 definition of picketing ought to be accepted
17 which is broader than the current definition
18 for the matter of disseminating information.
19 It must be recognized by everyone that, in
20 addition to disseminating information, picketing
21 is done as a matter of persuasion, and there ought
22 to be the largest degree of latitude given in
23 the matter of persuasion. The thorny question
24 in giving latitude in the matter of persuasion
25 is, "Where does the heaviest degree of
26 persuasion change to intimidation?", and
27 this is always a difficult situation. People
28 are intimidated in different ways. I have
29 heard people make an argument that intimidation
30 exists simply because a large group of people



1 are assembled. This may well be. But in our
2 society, large groups of people assemble in
3 many, many places, and for many, many reasons,
4 and on occasion intimidation can show itself.
5 Certainly, the jovial mood of a football
6 crowd has, on occasion, been turned into
7 something less than the pleasant exercise
8 that people got together for. So, on
9 occasion, have the large groups assembled
10 in meeting halls, theatres and auditoriums.
11 The same kind of tolerance ought to be shown
12 to the assembly of men who are picketing as
13 are shown to those attending any demonstration,
14 whether it be the Lions Club on parade, the
15 Shriners on parade, or the Grey Cup parade,
16 or any other demonstration, with one additional
17 consideration being given to the workers, and
18 that is that they are present to protect their
19 means of livelihood. This should be
20 understood, and such consideration given at all
21 times and in all levels of law enforcement,
22 whether by the policeman on the beat or the
23 magistrate or judge in the court room.

24 This latitude, if it were
25 understood by society, would have the affect
26 of persuading people to keep away from picket
27 lines and leave the matters that are in
28 dispute between the employee and employer to
29 be resolved by them.

30 If legal picket lines were

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1 understood and respected, very little
2 difficulty or mass picketing would take place.

3 The Hamilton & District Labour
4 Council, therefore, recommends that this
5 Commission find that there should be a
6 broadening of the rights of workers to
7 picket beyond the matter of dissemination of
8 information, and a broad interpretation of
9 persuasion to be included for the rights
10 of picketers.

11 COLLECTIVE BARGAINING

12 There is now a matter of
13 compulsory conciliation which is, to some
14 extent, the cause of some strike activity.
15 It is not possible under the Ontario Labour
16 Relations Act to determine precisely when
17 workers will be free to strike and, therefore,
18 that matter itself becomes subject to
19 manoeuvring for position between unions and
20 employers. Either party can drag its feet
21 if it is to its advantage. One party alone
22 cannot speed up the procedure, and even where
23 both parties are doing their utmost to
24 expedite matters, the conciliation process
25 can consume much time. Rarely is it possible
26 for renewal of a collective agreement to be
27 negotiated prior to the expiry of an existing
28 agreement. In most cases it is many, many
29 months after the expiry that a collective
30 agreement renewal is consummated.



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1 This, of course, brings into
2 collective bargaining the matter of retro-
3 activity, the term of the new agreement, and
4 a number of matters which need not be there
5 at all. The Labour Council does not take
6 the position that conciliation or mediation
7 are harmful in collective bargaining, nor
8 even the compulsory nature of the conciliation
9 process itself. We believe it ought to be
10 voluntary up to the date of termination, and
11 that the employees and the union should be free
12 to conduct a legal strike on the termination
13 of their collective agreement, then the
14 conciliation process would not become a tool
15 for manoeuvring.

16 One of the defects obvious
17 to both employers and unions is that we have
18 a compulsory procedure laid down both in
19 conciliation services and boards, where there
20 is not an adequate number of qualified people
21 to administer the procedure. Most of the
22 major Labour-Management conciliations have
23 to be conducted by a very few, and otherwise
24 busy members of society.

25 The Hamilton & District Labour
26 Council, therefore, recommends that the
27 conciliation procedures be made voluntary,
28 or at least that unions be free to conduct
29 legal strikes on the termination date of
30 their collective agreements, and further that

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more qualified people be made available for conciliation work.

ARBITRATION

The compulsory resolution of all disputes between labour and management by arbitration during the term of the collective agreement also causes serious discontent and, on occasion, is the cause of strikes at the time the contracts are open, or illegal work stoppages during the life of the collective agreement. There are too few qualified arbitrators and the vacillation of the Federal Justice Department about the use of judges for arbitrators has caused tremendous backlogs of unresolved grievances. Here again, the Labour Council would recommend that this Commission urge upon the Provincial Government that the delay of a just settlement of grievances is an injustice which can no longer be tolerated, and that where a grievance has not been resolved through the in-plant procedures provided by collective agreement within 90 days of the lodging of the grievance, that unions should be free to legally strike. Also, where a matter has been referred to arbitration and it has not been resolved by arbitration within 90 days of the date the grievance was lodged, that the union be free to strike.

We recognize that orderly procedures

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1 should exist in collective agreements for
2 resolution of disputes, but we also know that
3 justice delayed is justice denied, and where
4 companies know they do not have to deal with
5 the matter expeditiously, this can also be
6 a delay which allows management to pile up
7 masses of unresolved problems, and they
8 then result in strikes.

9 On all matters not covered by
10 this submission, the Hamilton & District
11 Labour Council wishes to support the position
12 taken by the Ontario Federation of Labour
13 in its brief previously submitted.

14 MR. POLLOCK: Thank you, Mr.
15 Cooke. I am particularly interested in your
16 figures on page 2:

17 "...that for every contract
18 that is settled as a result of
19 a strike, or for every strike
20 that fails and no contract
21 results, something in excess
22 of 90 contracts are settled
23 without strikes at all."

24 There is a 90 to one average, is there? Where
25 did you get the figures?

26 MR. COOKE: From our unions.
27 I sent out circulars to our unions and asked
28 them to reply giving the numbers of strikes
29 that they have had to conduct and the number
30 of people involved in them and the length of

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1 time and so on.

2 MR. POLLOCK: So, it is your
3 experience that for every strike there are
4 90 agreements settled without resorting to
5 strike?

6 MR. COOKE: At least that
7 many, sir.

8 MR. POLLOCK: So that if you
9 had 269 strikes in 1965, would you have 100
10 times that many collective agreements signed?

11 MR. COOKE: No, I think that
12 covered a period of 86 years - you see 1965
13 was a period of heavy strike activity.

14 MR. POLLOCK: Let's go back
15 to 1959 in which we had 104 strikes. Would
16 you have 90 times 104 collective agreements
17 negotiated in that year? Surely not.

18 MR. COOKE: You could well have,
19 you could well have. But I don't think so.
20 Now I am saying you could well have, but I
21 don't think so. The reason I am saying I
22 don't think so is that I don't think there are
23 that many agreements that exist in this
24 province. But when you are talking about an
25 average year, over the past number of years,
26 you're not talking about this - we only had
27 38 strikes reported by these people in the
28 period of their history.

29 MR. POLLOCK: I see.

30 MR. COOKE: I gave you the



1 other figures and I didn't ask you to compare
2 these with some other community. I don't
3 know what would happen. You may have had
4 all 104 in Toronto, I don't know.

5 MR. POLLOCK: So that you
6 have had 38 strikes in all the unions represented
7 by the Hamilton & District Labour Council?

8 MR. COOKE: From all that
9 has been reported, yes, sir.

10 MR. POLLOCK: And earlier this
11 morning, the United Electrical Workers suggested
12 that they had all bad employers to deal with
13 and I suppose you have all the good unions
14 to deal with.

15 MR. COOKE: I am not going
16 to get into that kind of a discussion with
17 you, sir, because I don't think your term
18 of reference is pertinent to the conversation.

19 THE COMMISSIONER: What do
20 you mean by that, Mr. Cooke?

21 MR. COOKE: Well, I mean by
22 that, whether the United Electrical Workers
23 has all the good or bad employers and we have
24 all the good unions.

25 MR. POLLOCK: I say that
26 they must have a higher strike rate than you;
27 that is my point.

28 MR. COOKE: I don't think so.
29 The United Electrical Workers didn't table
30 for you this morning, as I heard, the figures

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1 on the number of collective agreements over
2 the period they were talking about when they
3 had strikes. They have a lot of strikes and
4 we have a lot of strikes in various areas,
5 at various times.

6 MR. POLLOCK: But they have
7 had more than 36 strikes in their history.

8 MR. COOKE: The two local unions
9 that reported today?

10 MR. POLLOCK: No, the United
11 Electrical Workers generally.

12 MR. COOKE: Well, so have some
13 of the unions that are recorded here, sir.
14 We represent a lot of the affiliated unions
15 and whether they are Hamilton locals that
16 were on strike, it would not mean that those
17 particular unions had no strikes in their
18 whole membership. For example, the auto workers
19 is an affiliate; the steel workers are affiliates;
20 the I.U.E., and the textile workers, and so on.
21 There are strikes going on in some of the large
22 unions all of the time. My own union, The
23 United Steelworkers of America, and in 1966,
24 I think there was a period of 15 days in
25 this district in which we operate and some
26 four hundred and some local unions that there
27 was no strike on during the whole year. But
28 that may be one strike carrying on for 13
29 weeks here and another one over here. I am
30 not suggesting that there are no strikes. What



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1 I am saying is that I think the matter of
2 strikes has been very much over-emphasized
3 in relation to the amount of collective
4 bargaining agreements that have been reached
5 without strikes, and I think that is true
6 whether the United Electrical Workers or
7 the Teamsters or the Steelworkers or any
8 one union you want to mention.

9 MR. POLLOCK: I am not quarreling
10 with that submission.

11 MR. COOKE: Or even in any
12 one community that you would want to mention.

13 MR. POLLOCK: Dealing with
14 your submission on picketing, I will agree
15 with you as you set out, that it is a very
16 difficult job to determine where you draw
17 the line as to what the latitude should be
18 given to persuasion. I wonder if you
19 could amplify this submission by discussing
20 the types of conduct that you think ought
21 to be permitted and the types of conduct that
22 ought not to be permitted on the picket line,
23 in the form of persuasion?

24 MR. COOKE: I have no
25 hesitation in saying to you that picket lines
26 exist for two reasons. One is to let good
27 wholesome people know that there is a picket
28 line on - others who might not otherwise know
29 there was a strike. They also exist for
30 people to protect their jobs and to protect

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1 the position that they have found themselves
2 having to take with their employer. I believe
3 that there ought to be very wide latitude there
4 and I believe that society ought to be prepared
5 to recognize that the employer has not been
6 able to carry on his business in such a way
7 that his workmen are prepared to any longer
8 carry out along with him. And, therefore,
9 they ought to be prepared to use pretty heavy
10 methods of persuasion in keeping people away
11 from their jobs because they have a very
12 heavy vested interest in those jobs. Their
13 livelihood is at stake and they themselves,
14 and their predecessors, have built this
15 business that sits there, with their efforts.

16 MR. POLLOCK: What are these
17 methods?

18 MR. COOKE: I suggest that they
19 ought to be able to physically bar the gates.

20 MR. POLLOCK: To stand in
21 front of the gates?

22 MR. COOKE: Yes, to physically
23 bar the gates.

24 MR. POLLOCK: Then, what if
25 people want to go through?

26 MR. COOKE: I think people
27 ought to take the chance in creating a difficulty
28 if they try to do that.

29 MR. POLLOCK: You rest
30 this submission on the basis that the job

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1 is the property of the fellow who holds it
2 for the time?

3 MR. COOKE: Yes.

4 MR. POLLOCK: Originally, I
5 suppose you would have to concede that the
6 working relationship was one where the man
7 who had the plant and had the money would say
8 that "anybody prepared to work in my plant
9 can come in and work. We will pay you
10 so much money" and he dealt with everybody
11 originally on the individual level.

12 MR. COOKE: And I think
13 society has progressed to the point now
14 where we deal collectively and I think we
15 ought to now think in those terms, instead
16 of leaving the law in such a way as it
17 deals with individual property protection
18 on the one hand, instead of the collective
19 process which has been accepted to a point.

20 MR. POLLOCK: Well, ought
21 not the employer be able to see whether or
22 not the unions' demands are realistic in
23 the sense that it is what the market will
24 bear? Ought it not have reference to the
25 general working public? If he can find
26 skilled people to work at that job that you
27 say you are not satisfied to work at that
28 particular rate?

29 MR. COOKE: I think this
30 market place testing has passed in our society

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1 for some time now. You see, we recognize
2 collective agreements and we recognize that
3 management must live during the period of
4 those collective agreements and therefore,
5 to the extent that the market force has
6 a play, employers are forbidden to use
7 them during those periods anyway. They
8 couldn't for example, fire me and hire
9 somebody in at a cheaper rate. The
10 collective agreement wouldn't allow it
11 and no arbitration would uphold it and
12 the fact that there was this difference
13 would never be accepted today, although it
14 would have been at one time by an impartial
15 rule as to whether my being paid that much
16 money was just cause for me to be discharged
17 when they could get my services performed
18 at a lower rate. It no longer exists and
19 we have moved on beyond that time of work.
20 I think to invite it at the time that there
21 is a dispute between management and labour
22 as to what the status would be simply invites
23 a battle between the marketplace and the
24 workmen who hold those jobs, and I don't
25 think our society wants to have rules which
26 are that kind of dog-eat-dog situation,
27 because you would then really have an
28 invitation to warfare.

29 MR. POLLOCK: Don't you have
30 the use of supply and demand in boosting the

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1 wage level of some workers who are in short
2 supply?

3 MR. COOKE: Very seldom, any
4 more. It comes into play on one or two
5 occasions in my experience in collective
6 bargaining, which is now approximately 20
7 years; I think twice in the last round of
8 bargaining in our big automobile and steel
9 agreements, about 1949.

10 MR. POLLOCK: What about
11 the skilled tradesmen - the so-called skilled
12 tradesmen?

13 MR. COOKE: That is who I
14 am referring to. There were extra amounts
15 of money - pretty healthy extra amounts of
16 money - that went into these skilled trade
17 areas over and above the general wage levels
18 that were adjusted in this last little while
19 and in the period that I mentioned - maybe
20 1949 to 1953, and I wouldn't argue/particular
21 year, at the moment.

22 MR. POLLOCK: Well, if you
23 don't use the scarcity of supply, how do you
24 attribute the value of a man's labour as
25 opposed to one man and another?

26 MR. COOKE: Well, it is not
27 done in such a nice delicate manner as you
28 would suggest in your question, sir.

29 It is done by pretty hefty,
30 hard, frank bargaining. It has nothing to

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1 do with the value of a man, really, in society,
2 because we set minimums and we set methods
3 of differentiating between jobs and they vary
4 between union and union. Sometimes you have
5 a craft union, for example, that sets a rate
6 on the craftsman's job and apprentices and
7 others who work with him have a percentage
8 of that rate. Some of our industrial
9 enterprises, as you heard this morning, set
10 up on a labour grade system and they are
11 formally worked out as to how you would
12 sort one job into one labour agreement and
13 into another. In so doing, you may be
14 setting it at a relatively high rate. People
15 are on the market in droves because you are
16 measuring the jobs one against the other, and
17 you are doing a lot of other things too, and
18 the market itself has very little to do with
19 that.

20 MR. POLLOCK: Are you suggesting
21 that when a company is negotiating with you
22 that it doesn't concern itself as to how much
23 it thinks it can get people to work for, at
24 this price?

25 MR. COOKE: In total, and so
26 on, yes, they would. There is no question
27 about that. When you are talking about a
28 market situation - and let me give you an
29 example: A couple of years ago, the Studebaker
30 plant shut down here in Hamilton. It ceased

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1 operation and production of automobiles. This
2 put onto the Hamilton market, a great number
3 of men who were factory assemblers of various
4 kinds and descriptions and a large block of
5 them at one time. That had no bearing at all
6 on what the level of wages for factory assemblers
7 would be, in say, a plant like the Steel Company
8 of Canada, who wasn't after that particular
9 group at that moment. It still had to deal
10 with the total rate structure. It might have
11 nothing to do with the rate structure at
12 Westinghouse for factory assemblers, either
13 because they have a system that has been
14 agreed to for differentiating between one
15 job level and another job level and even if
16 Westinghouse wanted, or didn't want these people ---

17 THE COMMISSIONER: What is
18 this based on?

19 MR. COOKE: At Westinghouse,
20 I don't know, but in the Steel Company of
21 Canada, which is one ~~that~~ I mentioned, we had
22 the cooperative wage study program. It is
23 based on the system of point values for the
24 various elements that are in the job.

25 THE COMMISSIONER: But in
26 order to get those values, what criteria do
27 you use?

28 MR. COOKE: The duties of
29 the job, sir.

30 THE COMMISSIONER: What do you

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1 mean by that?

2 MR. COOKE: The duties that
3 are performed on the job, the responsibility
4 for skill, the response factors in the job.

5 THE COMMISSIONER: But I am
6 a skilled worker and you are a skilled worker.
7 On what basis do you differentiate what I get
8 from what you are being paid?

9 MR. COOKE: I don't think
10 there is any real justification for that, sir.
11 Maybe we ought to be getting the same, but
12 we are not.

13 THE COMMISSIONER: Well, I
14 want to know why you are not.

15 MR. COOKE: Let me say this,
16 sir, that in terms of our jobs, we have skilled
17 workers who are in very responsible positions
18 and skilled workers who are in less responsible
19 positions and this is one of the causes of
20 difficulties.

21 THE COMMISSIONER: You mean
22 the particular piece of mechanism that I make
23 has not the vital significance in the operation
24 of the entire machine as you, or just what
25 do you mean?

26 MR. COOKE: Yes, in this way,
27 sir. Supposing you are a skilled worker
28 who, instead of working as a machinist in
29 the tool room, is working as a maintenance
30 mechanical man in one of our mills. You may

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1 find that the actual skills that you possess,
2 you are using less of and the responsibility
3 factors that you have both taken, are built
4 up. You have all kinds of variations because
5

6 THE COMMISSIONER: Then
7 you think that the differentials are almost
8 written in to the matter of work?

9 MR. COOKE: Oh, yes, sir.
10 Well, no I didn't say that, but we have a
11 system which has put some semblance of order.
12 It is not perfect and we are not that happy
13 with it at all, but it puts some semblance
14 of order insorting it out - that is the
15 differentials as the rates of pay for various
16 skills and various responsibilities. Other
17 unions have other methods of doing it and
18 I am not criticizing these, but what I am
19 saying is that in many instances, this
20 removes the marketplace because you may
21 have a rate structure established which
22 the marketplace - the bottom might drop out
23 of the market in that particular case but
24 you can't discard the whole system just
25 because of one type of job.

26 THE COMMISSIONER: Well, the
27 reverse took place in Russia, remember. They
28 found that they couldn't pay all the men.

29 MR. COOKE: Well, we're not
30 paying them all alike, sir.



1 THE COMMISSIONER: I know
2 that, but they changed. It depended on the
3 man's production, the piece work.

4 MR. COOKE: This, of course,
5 was discussed a few moments ago and let me
6 say this: Much of our industry is moving
7 away from incentives for different reasons.
8 We have a different reason from moving away
9 from incentives in the Steel Company of
10 Canada than was explained to you this afternoon
11 about the Westinghouse Corporation. The
12 Steel Company of Canada is moving away from
13 incentives because the Steel Company of Canada
14 has come to the understanding that the workers
15 cannot be incented in a situation where the
16 machine controls the speeds and feeds.

17 THE COMMISSIONER: Well, that
18 would seem to be obvious.

19 MR. COOKE: And this is what
20 is happening in much of industry, so that
21 incentives are disappearing for the two
22 reasons.

23 THE COMMISSIONER: Well, we
24 haven't got the human tendencies in the machines
25 yet.

26 MR. COOKE: I don't know whether
27 they have or haven't but they sure haven't got
28 the ones I'm looking for. They have some of
29 the ones that have been apparent in our
30 management for some time.



1 THE COMMISSIONER: Then, if
2 that is so, then there is no reason why it
3 shouldn't spread right through.

4 MR. POLLOCK: What is the
5 basis on which the employer can determine
6 the reasonableness of the union claim if
7 it isn't measured against market forces?
8 If you say to the employer, "The union now,
9 the people that are represented by the union
10 in your shop, these are their jobs. They
11 have determined among themselves that they
12 want so much money and if you don't agree
13 to that, you are going to have your plant
14 closed down. We are going to close your
15 plant down". Then what is the employer
16 to do except say, "Yes, I will pay whatever
17 you say".

18 MR. COOKE: What he does is
19 that he measures very carefully how much he
20 has to pay before the workers will make a
21 sacrifice to strike, and he is very clever
22 at it too. As you will recall, there was
23 a failure to reach a settlement this summer
24 at the Steel Company of Canada - they got
25 250 votes in a 10 thousand-man union. You
26 try to do that. They made a slight
27 adjustment and they got their few votes
28 and there was a settlement. That is close
29 and they are that good at it. We turned
30 down a proposal that they made in our negotiations



1 with the same company two years before and
2 they said "Well, we just believe we've gone
3 as far as we have to go" and they published
4 the thing in the paper and they were right,
5 by a few votes, and they know, they are very
6 careful about this. It has nothing to do
7 with the marketplace, though; it has to do
8 with how long or how much of this will
9 satisfy the union, and this is what goes on.

10 MR. POLLOCK: Well, that is
11 part of the marketplace too. If the people
12 are unemployed there, they will have to go
13 out and be employed someplace else.

14 MR. COOKE: Oh, no, they
15 can be on strike.

16 MR. POLLOCK: But they have
17 to live, don't they? They can't be on
18 strike forever.

19 MR. COOKE: That is true
20 but then the Steel Company of Canada exists
21 to make money, not to be on strike.

22 THE COMMISSIONER: Well,
23 what company has any other object?

24 MR. COOKE: I don't know of
25 any other company. I mean, I didn't mean
26 to put the Steel Company up for itself;
27 I mean every company has that means. They
28 are not going to stay on strike forever.

29 THE COMMISSIONER: Well, if
30 you can develop the art of anticipation and

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1 scientifically project yourself into the future
2 why don't you get to work where both sides
3 can do the same thing and arrive at the same
4 objective without a strike?

5 MR. COOKE: I don't think we
6 can. I wish we could do it on either side.

7 THE COMMISSIONER: Well, you
8 paid a really high tribute to management.

9 MR. COOKE: Certainly, and
10 there is no question about them doing their
11 job.

12 THE COMMISSIONER: Is there
13 any question about the union doing its job?

14 MR. COOKE: Yes. The fact
15 is that we don't have at our disposal the
16 tools that are available to management and
17 we never have had, nor can it be.

18 THE COMMISSIONER: Why can't
19 it be?

20 MR. COOKE: Because of
21 management's failure and refusal to give
22 information in dealing with matters of
23 collective bargaining.

24 MR. POLLOCK: Surely you
25 can tell better than management what level
26 your people are going to take.

27 MR. COOKE: Well, let me
28 put this to you, then, so that you will
29 understand the differences that exist. When
30 our union, in 1952 generally, in the United



1 States - and I am talking about the United
2 Steel Workers of America - it went for the
3 establishment of a supplementary unemployment
4 benefit program, a program which has very much
5 shown its worth in our union particularly in
6 the United States, where there has been a lot
7 of fluctuation in steel. They were able,
8 because of the national Labour Relations Board
9 rules, under the N.R.B. in the United States,
10 to insist that the companies give them the
11 necessary information so that they could
12 formulate a proposal with common sense in it.
13 But we wouldn't know whether they were or
14 weren't.

15 THE COMMISSIONER: Well, what
16 did that information consist of?

17 MR. COOKE: In that case it
18 consisted of the number of lay-off people
19 they had, the length of service of the people
20 that were laid-off, the amount of time they
21 were laid-off over a period of five or seven
22 years previous to the time they were discussing
23 the proposal and they get the same basic
24 information with regard to proposals dealing
25 with pensions and with health and welfare
26 programs, with incentive programs, with all
27 of these things, things which allow for
28 intelligent bargaining on both sides.

29 THE COMMISSIONER: Well take
30 what you started with, that they foresaw very

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1 accurately, what the factors in discussion
2 would finally lead to, so far as their own
3 point of view was concerned. They did a
4 good job, you said, in anticipating how far
5 they could go.

6 MR. COOKE: In one sort
7 of bargaining I was talking about, yes, sir.

8 THE COMMISSIONER: Now, what
9 were the factors that they had, which you
10 didn't have?

11 MR. COOKE: Well, in that
12 particular situation, they only had an assessment
13 and we had the same assessment and we were
14 very close to a situation where a strike was
15 impossible, so that this was one of these
16 things.

17 THE COMMISSIONER: There was
18 equal intelligence on both sides and there
19 was no reason why you couldn't do away with
20 strikes.

21 MR. COOKE: Well, we didn't
22 have a strike in that particular set of
23 circumstances.

24 THE COMMISSIONER: Well, you
25 could have all the factors in any situation.
26 Why couldn't you arrive at the same thing? If
27 one side can wield the factors well, why can't
28 the other?

29 MR. COOKE: They can, sir.

30 THE COMMISSIONER: Then, why

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1 don't they?

2 MR. COOKE: Because there are
3 many things, for example, that are disturbing.
4 Let me give you, for example, the circumstances
5 about this past summer. It was proposed in
6 this submission that we be able to strike on
7 the termination date of our collective
8 agreement. We have had a history in the
9 Stelco unit of going beyond the termination
10 date by as much as six or seven months to
11 conclude collective agreement, the two
12 collective agreements. I think one was
13 settled in January and one in February and
14 the termination date is August of our collective
15 agreement. The employees, this past summer,
16 just didn't believe that we were going to be
17 able to continue and it became quite a noisy
18 situation and there were other influences
19 involved but the fact that people didn't know
20 and could be told that you are clear, as a
21 union, to declare a strike if you wish to
22 do so on this date, allowed for an emotional
23 build-up that wouldn't have otherwise taken
24 place.

25 THE COMMISSIONER: Had you
26 gone through the conciliation procedure?

27 MR. COOKE: We were near
28 the end of the conciliation board stage, but
29 that was this year. At the same time, we
30 had to go to December two years ago, and to

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1 January three years ago, or five years ago,
2 to get the same stage and this year, I believe
3 the Steel Company of Canada were trying to
4 expedite matters. I believe that. I may
5 not be right; I don't know, but I believe that
6 they were trying to expedite matters and
7 certainly they were behaving in such a manner
8 that it looked as if they were in relation now
9 to what they had previously.

10 THE COMMISSIONER: Was there
11 any retroactivity?

12 MR. COOKE: Yes, but the
13 retroactivity becomes an issue in this period.
14 Once you have an issue in this you have
15 another issue that injects itself.

16 THE COMMISSIONER: But if both
17 parties are more or less equal in agreeing
18 to the postponement ----

19 MR. COOKE: Well, it is not
20 a matter of agreeing to postponements, sir,
21 it is a matter of trying to get the thing
22 brought to a peak as early as possible.
23 Management in many, many cases ----

24 THE COMMISSIONER: All I can
25 say is this: that you require too much time
26 to settle the individual and relatively small
27 issues.

28 MR. COOKES: Yes, but if we
29 knew we were heading into an August 1st
30 deadline, when the union would be in a position



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1 that it could strike and, therefore, would be
2 pressured for its position, and where the
3 company knew they would face a strike by an
4 August 1st deadline, then when we opened up
5 in May, we would get through these other
6 things a lot quicker and then, sir, let me
7 say that your statement doesn't stand up too
8 well in relation to the point you were making
9 with the U.E.W. here a few minutes ago, that
10 was the point where their brother had mentioned
11 they would like to strike during the life
12 of the agreement on grievance and you said
13 "Why don't you do it at the termination time"?
14 You've got to deal with these things that are
15 going to be problems during the life of your
16 agreement. You simply have to deal with them.

17 THE COMMISSIONER: In the way
18 of discussions, yes, but you don't have to
19 carry on the discussion interminably.

20 MR. COOKE: But if you have
21 a situation - and we have been talking about
22 three or four points here - if you have a
23 situation of a collective agreement, which
24 by itself has some 60 pages, and covers many,
25 many topics, and then has appendix appended to
26 it - a job evaluation program, a training
27 program and a health and welfare program,
28 a pension program, a supplementary unemployment
29 benefit - you can't do these things in five
30 minutes.

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1 THE COMMISSIONER: I agree, and
2 isn't it a fact that you are multiplying these
3 year by year?

4 MR. COOKE: Yes, sir.

5 THE COMMISSIONER: Why?

6 MR. COOKE: Because they are
7 needed. These benefits we are proposing for
8 people, have been very useful to this society.
9 They have been part of the major gains that
10 we have made in society.

11 THE COMMISSIONER: Well,
12 really all they amount to in the final
13 analysis, is an increase in compensation or
14 remuneration.

15 MR. COOKE: Yes, but they are
16 much more than just that. You can't just
17 whittle it down to hours and wages because
18 you couldn't buy unemployment insurance
19 protection.

20 THE COMMISSIONER: But that
21 is a public matter and not a private matter -
22 unemployment insurance is a social matter. You
23 don't have that in your agreement.

24 MR. COOKE: We do have that
25 in our agreements; it is a supplement to it.

26 THE COMMISSIONER: It is a
27 supplement to it?

28 MR. COOKE: Yes, and we have
29 our pension supplements too, but they are not
30 enough for people to live on, and therefore, we

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1 have the supplements. We have a group insurance
2 program, which if we didn't have them, then
3 people couldn't buy these insurances on the
4 same basis.

5 THE COMMISSIONER: Well, I am
6 asking you questions and I want you to
7 enlighten me. Invariably your substantial
8 changes are due to the fact that the demands
9 are being raised.

10 MR. COOKE: Yes, sir.

11 THE COMMISSIONER: Now, from
12 the standpoint of the economy of the country,
13 including the monetary levels, do you think
14 that that is going to go indefinitely, almost
15 into perpetuity?

16 MR. COOKE: Yes, I do. I
17 think there seems to be no end to the kind
18 of improvement that can be provided in our
19 society.

20 THE COMMISSIONER: You
21 attribute improvement to all of that?

22 MR. COOKE: Yes, I do, sir.

23 THE COMMISSIONER: In other
24 words you are going to invite us into a wholly
25 materialistic life?

26 MR. COOKE: Not at all, sir.

27 THE COMMISSIONER: Isn't that
28 a fact in North American today? You may be
29 right and I am not challenging you in what
30 you say. I wouldn't have the temerity to

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1 suggest anything different; but it accounts
2 for the delay that you are objecting to.

3 MR. COOKE: No, I don't believe
4 that is true, sir. What accounts for the
5 delay is the failure of people to recognize
6 how important these things are and make the
7 necessary exchanges of information to the
8 investigation and get down to serious bargaining
9 area.

10 THE COMMISSIONER: What I mean
11 is this: that we, the union, can't - and I
12 am not criticizing you, I might do the same
13 thing if I were in your position - but you say
14 we want this weapon to be above your heads
15 so that you will see its shadow at least, all
16 the time.

17 MR. COOKE: It is above our
18 heads too, sir.

19 THE COMMISSIONER: Then you
20 engage in what you generally call an economic
21 struggle that you endure.

22 MR. COOKE: Yes.

23 THE COMMISSIONER: And I gather
24 from what you say that there is no alternative,
25 although you gave an alternative in attributing
26 to the company a very excellent anticipation
27 of the future.

28 MR. COOKE: I think there is
29 a wonderful alternative, but not where you
30 allow either party to be free of this thing

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1 over our heads. If the union doesn't have to
2 do its job, or if the company doesn't have to
3 do its job and these circumstances where we
4 are renewing collective agreements in
5 improving times, the companies are to drag
6 their feet, it helps them to postpone to
7 some other time what should be done today.

8 THE COMMISSIONER: But you
9 can't go on demanding more and more from that
10 enterprise unless it has a means of resorting
11 to some other method of maintaining its
12 balance, and the only other alternative it
13 has is the public. That is accompanied by
14 an increase in your prices, unless you associate
15 it with the increased production.

16 MR. COOKE: Oh, no, sir. Look,
17 the labour cost of producing a ton of steel
18 is now lower than it was in 1957 - and I could
19 go on.

20 THE COMMISSIONER: No, because
21 you have one man doing the work of 50 men.

22 MR. COOKE: No, sir, we have
23 more men there than we had in 1957 by 50 per
24 cent.

25 THE COMMISSIONER: But how
26 many hundred per cent more powerful machines
27 are there?

28 MR. COOKE: Yes, that is the
29 point. We have a tremendous investment and
30 a tremendous improvement both in the productivity

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1 of the men and in the use of it.

2 THE COMMISSIONER: What have
3 been the price increases in the meantime?

4 MR. COOKE: There hasn't
5 been that great a price increase in steel.

6 THE COMMISSIONER: But we
7 know what they have had to do in England. We
8 know what is being suggested even today by
9 a candidate for the leadership of one of our
10 parties, so you can't segregate the matter
11 of wages and say that it has no affect on
12 other factors.

13 MR. COOKE: Of course, it
14 has some affect, but I am not talking about
15 wages only. What I am talking about is the
16 collective bargaining process and you can't
17 have a time of finale when people know they've
18 got to resolve things by. You see, as it
19 was pointed out to you this morning, really,
20 the conciliation process delays that date
21 indefinitely.

22 THE COMMISSIONER: That isn't
23 so, because so many cases have been settled.

24 MR. COOKE: I am not suggesting
25 that it wouldn't settle them and I don't think
26 there is any modicum of evidence that the
27 conciliation process has settled one case
28 that wouldn't have been settled if those people
29 had been free to strike on their termination
30 date.

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1 THE COMMISSIONER: Well that
2 is a mere guess.

3 MR. COOKE: I said there
4 hasn't been any evidence of it. In the
5 United States the conciliation process
6 settles the vast majority of those and they
7 are free to strike on the termination of
8 their agreements. Our union knows today,
9 with its basic steel agreements in the
10 United States, that it can strike on September
11 the 1st, 1968, if that is the date. The
12 company knows it too; and so they can bring
13 their conclusion of the negotiations by
14 that time, and there is no problem to it.
15 Here, we don't know, the termination date means
16 nothing in collective bargaining process,
17 except that at that moment, interjected into
18 already a complex situation, is whether or
19 not the new agreement will be retroactive in
20 its money factors or in its time factors to
21 the termination date of the old agreement.

22 THE COMMISSIONER: But I
23 think you can get other factors which will
24 coerce both parties into the urgency of
25 settlement other than the shadow of a strike.

26 MR. COOKE: Well, I would
27 like you to tell me what that might be, because
28 I haven't seen anything that is worth a hang
29 unless they have removed the freedom of
30 collective bargaining.



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1 THE COMMISSIONER: That depends
2 on what you mean by collective bargaining.
3 How many incidentals are you going to
4 attach to that term merely the cessation
5 of work?

6 MR. COOKE: No, I am talking
7 about collective bargaining; you remove that
8 and then you can have other extras.

9 THE COMMISSIONER: Tell me
10 what you mean by collective bargaining.

11 MR. COOKE: I mean where
12 management and union sit down and hammer
13 out things. This happens even in strike
14 situations, you know.

15 THE COMMISSIONER: Well,
16 nobody is suggesting you don't try to reach
17 an agreement that way, of course not. But
18 that is not what you are concerned with
19 primarily. You want something added which
20 is, in your case, the threat of a strike.

21 MR. COOKE: Added to what, sir?

22 THE COMMISSIONER: Now, you
23 have asked me a question; let me answer it.
24 Added to the potential power that you present
25 in a negotiation.

26 MR. COOKE: Not at all, sir.

27 THE COMMISSIONER: That is
28 exactly what you are demanding.

29 MR. COOKE: That is not what
30 I am demanding. I am demanding that it is

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1 now there. It is there.

2 THE COMMISSIONER: No, it
3 isn't. You just spent 15 minutes telling
4 me it is not there because it is uncertain
5 in time.

6 MR. COOKE: In time it is
7 uncertain and the fact that it is uncertain
8 in time causes more problems to be injected
9 into collective bargaining than need to be
10 there.

11 THE COMMISSIONER: That is not
12 the point. What you say is - and we are
13 dealing with the definition of collective
14 bargaining - you say it has got to be
15 associated with a shadow or a threat.

16 MR. COOKE: Yes, sir.

17 THE COMMISSIONER: Well, that
18 is all I asked you, and that is what you
19 denied.

20 MR. COOKE: I said that from
21 the beginning.

22 THE COMMISSIONER: You put it
23 as part of the collective bargaining and it
24 is a vital part.

25 MR. COOKE: No, sir, it is
26 not the vital part. The vital part of
27 collective bargaining is the exchange of ideas
28 and the working out solutions to problems
29 and writing collective agreements. That is
30 the vital part.

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1 THE COMMISSIONER: I would
2 say, yes.

3 MR. COOKE: But that has
4 never worked - where one person could ignore
5 the other.

6 THE COMMISSIONER: Do you
7 think all of the ignoring of the other comes
8 from the one side?

9 MR. COOKE: No, sir.

10 THE COMMISSIONER: Do you think
11 that you don't put in far greater demands
12 than you have any hope of receiving?

13 MR. COOKE: No, sir. As a
14 matter of fact, there are varying patterns
15 of collective bargaining about demands. Some
16 unions have put in demands that they knew
17 they weren't going to get but they were
18 introducing an idea for the future. There
19 is nothing wrong with this. It sounds
20 ridiculous, if you publish the whole thing
21 in the one day in the middle of a depression,
22 that we want a buck and a half an hour. This
23 sounds crazy, but there is nothing wrong with
24 this as a collective bargaining tool. It is
25 true that many people won't understand it when
26 it happens, but if it is understood between
27 the parties at the table, what is the matter
28 with it?

29 THE COMMISSIONER: You mean
30 that it is understood on both sides. I suppose,



1 in my opinion, that would be fine for children
2 but I would hate to attribute it to grown-up
3 men with intelligence, going into collective
4 bargaining discussion knowing that everyone
5 is making a big bluff.

6 MR. COOKE: It is not a big
7 bluff at all.

8 THE COMMISSIONER: A bluff -
9 and you just admitted that they put forward
10 things that they never expected to get.

11 MR. COOKE: At that particular
12 moment.

13 THE COMMISSIONER: But I am
14 speaking as an outsider. I see this as
15 a private citizen.

16 MR. COOKE: Well, that's a
17 nice position for you to hold, but I am afraid
18 you have been involved too closely in all
19 these things for so many years to withdraw
20 so far.

21 THE COMMISSIONER: I think you
22 overestimate my involvement. As a matter of
23 fact, I haven't. All I am trying to do is
24 get the definition of terms.

25 MR. COOKE: I don't think I
26 can give you a single definition here that
27 would be satisfactory to myself, let alone
28 to everybody, but I do believe that it
29 isn't possible to have the intensity of
30 work that I see - or that the conciliation

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1 board sees - that the company officers involved
2 in this kind of thing see - in the last few
3 weeks; no matter whether those are the few
4 weeks petering out at the end of a board or
5 whether they are conciliation officer - knowing
6 that there is not going to be a board - or
7 whether it is a mediator situation, knowing
8 there is not going to be a board. This is
9 when it becomes vital to do it and the efforts
10 are really then extended, sir, to do it on
11 all sides.

12 THE COMMISSIONER: That is
13 toward the end of the conciliation?

14 MR. COOKE: Yes, sir.

15 THE COMMISSIONER: That is
16 where you see the end. Can't you hasten
17 that yourself?

18 MR. COOKE: I would say it
19 would be automatically hastened, sir, if you
20 could get and persuade the legislature of
21 this province to say that the heat is on and
22 off. The companies can lock-out, the unions
23 can strike, the thing is free, dead and over
24 at the termination date of the agreement unless
25 they, themselves, extend it.

26 THE COMMISSIONER: I can appreciate
27 the force of that. The fact is that I have
28 no doubt that the legislature extended that
29 for this reason - that in the course of
30 reflection, sometimes your ideas are modified

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1 and sometimes they shape themselves more
2 for agreement between the two parties and
3 that is what they have, for instance, in
4 the 80 days in the United States. What
5 is that for? It is to enable you to
6 look back and reflect in the course of time,
7 on the stands that you have taken, or ought
8 to be prepared to take.

9 MR. COOKE: If you are talking
10 about the introduction of an injunction
11 against the strike in a particular set of
12 circumstances, the 80 day thing in the U.S.,
13 they don't stop the strike from occurring,
14 they don't stop all the pressures that exist.
15 That particular 80 days is for a fact finding
16 situation where the government can study the
17 thing and come into it with some knowledge
18 of it and try to inject a third party answer.

19 THE COMMISSIONER: It is for
20 the purpose of enabling the minds to get
21 rid of some of the passion and a little
22 more enlightenment.

23 MR. COOKE: I don't agree, sir.
24 I think that has all been done in advance
25 because the Federal Mediation Services ---

26 THE COMMISSIONER: Do you
27 think it takes them 80 days to get information
28 for the president?

29 MR. COOKE: No, sir.

30 THE COMMISSIONER: Then what



1 becomes of the rest of it?

2 MR. COOKE: I am saying the
3 Federal Mediation Services of the United
4 States is usually injected into collective
5 bargaining prior to the termination of their
6 collective agreement, prior to the time
7 when they have the right to strike.

8 THE COMMISSIONER: Well, I
9 haven't any doubt of what the object of our
10 legislation was. It was simply to see if,
11 before the undesirability of a strike became
12 present before you reached that, you would
13 have a time to review, as you have said,
14 review the suggestions of the conciliator
15 and review your own further thinking about
16 it and, as happens in a great majority of
17 cases you would, by reason of that come to
18 a conclusion which would obviate the strike.

19 MR. COOKE: But these things,
20 sir, can be done between the parties. They
21 can be done by agreement, they can be done
22 during the term of collective agreement prior
23 to the termination instead of after.

24 THE COMMISSIONER: Well, you
25 have made the point, Mr. Cooke.

26 MR. POLLOCK: At what stage
27 do you presently give notice to renegotiate
28 your agreement?

29 MR. COOKE: Prior to 75 days
30 prior to negotiation in some and 60 in others.



1 MR. POLLOCK: Do you think
2 that is enough time to negotiate all these
3 very complex issues?

4 MR. COOKE: No, and I think
5 the Act ought to provide notice can be given
6 any time up to six months, because it depends -
7 and I don't see why the Act restricts that
8 where it wasn't negotiated anyway. It is
9 not too restrictive because the parties can
10 look after it.

11 THE COMMISSIONER: With what
12 period of contract?

13 MR. COOKE: I don't care, sir,
14 but at a time prior to the termination of
15 the contract is the effective part.

16 MR. POLLOCK: There is some
17 discussion of negotiation during the currency
18 of an agreement on all factors all the time,
19 with perhaps no binding effect on them, but
20 at least people are talking about the issues
21 and familiarizing themselves with very complex
22 matters that are going to be faced at the
23 bargaining table. Can you subscribe to that
24 particular view?

25 MR. COOKE: I do where it is
26 done seriously and I have seen it done both
27 ways. Where it is done seriously, it has
28 provided answers to problems and where it
29 is done as an excuse to put people off is
30 very insulting and a terrible process, one which



1 undermines the ability to bargain collectively
2 at the renewal of the agreement. It has to
3 be taken seriously before it can mean anything
4 and then it can be useful.

5 MR. POLLOCK: Do you negotiate
6 any agreement here before commencing bargaining
7 at the statutory time?

8 MR. COOKE: Yes, but again
9 it depends on the union.

10 MR. POLLOCK: I am talking
11 about your union.

12 MR. COOKE: Our union, yes.

13 MR. POLLOCK: Because things
14 are getting more complex than they were in
15 the old days when the agreements were pretty
16 small.

17 MR. COOKE: Well, we now
18 have, I think, probably one, two, three, an
19 average of three committees working regularly
20 with companies all the time, including our
21 grievance committee, and in some of our more
22 complex set-ups we have as many as six or seven
23 committees exchanging views back and forth
24 and we have special provisions in the Stelco
25 situation where a committee was set up to deal
26 with problems - special problems - that come
27 up that are not otherwise provided for.

28 MR. POLLOCK: Can you keep
29 the pressure of the so-called crisis bargaining
30 up over two months?

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1 MR. COOKE: No.

2 MR. POLLOCK: So that really,
3 the whole bargaining issue comes down to
4 when the heat is on, so to speak, is in the
5 last few days when either it is in the
6 United States, before the termination of
7 the agreement or over here.

8 MR. COOKE: It is before
9 the termination of the agreement over here
10 too. What we have is a government extended
11 agreement, so it is the same thing, well it
12 is just what it is.

13 MR. POLLOCK: Well, the
14 strike deadline is a factor and you count
15 back from there. So that even if you
16 started under our present system, six months
17 before they negotiate in the States - or
18 in the United States, six months before
19 their agreement expires there wouldn't be
20 very much serious, hard pressure bargaining
21 until the last month.

22 MR. COOKE: No, but there
23 is this kind of thing that goes on and that
24 is a serious study, perhaps, of a problem,
25 and the alternative suggestion or the
26 alternative methods that either party can
27 look at and I am not saying that that
28 necessarily brings you closer to a resolution
29 of the problem, because we may have a pretty
30 strong determination that an alternative that

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1 one party is hanging onto is not going to be
2 the way to dissolve it, but the hard
3 bargaining takes place the last few days, yes,
4 sir.

5 MR. POLLOCK: So, no matter
6 how long you start in advance, or how long
7 the day is postponed, it is still the last
8 few days, if you know those are the last
9 few days?

10 MR. COOKE: I think that is
11 true and if you prepare for them, that's
12 what could happen always. But, in terms
13 of sometimes, because of the failure of one
14 party or the other or both to do their
15 homework on a particular topic, even the
16 desire to reach an agreement that was
17 apparent in the hard bargaining of the last
18 few days failed because they hadn't done
19 their work and couldn't do it in the short
20 period left to them.

21 MR. POLLOCK: Yes. Now on
22 the last page of your submission, dealing
23 with the arbitration of grievances, you
24 suggest a time limit of 90 days for the
25 lodging of the grievance, that you should
26 be free to strike. Then you carry through
27 to say that where the grievance has been
28 referred to arbitration, that you have 90
29 days after that. "Resolved by arbitration", by
30 that do you mean the arbitrator has not made

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1 a decision on it?

2 MR. COOKE: I suppose that
3 may not be too clear in this submission.

4 Frankly, what we are talking
5 about here is putting 90 days on the limitation
6 of arbitration and 90 days on the limitation
7 of the grievance - the in-plant grievance
8 situation.

9 MR. POLLOCK: So would you
10 give it 180 days?

11 MR. COOKE: No, I wouldn't
12 stack it at all, because in-plant ones
13 are normally sent down in a very few days,
14 a few days after the foreman gets his
15 and
16 complaint, no matter how complex it is,
17 within a very few days you can get through
18 it if you want it to be done.

18 MR. POLLOCK: So 90 days
19 altogether, there is no distinction really
20 between the first and the second.

21 MR. COOKE: Except that in
22 some cases it is the failure of arbitration
23 and in some cases it isn't. If it was
24 referred to arbitration, then the 90 days
25 could start from then.

26 MR. POLLOCK: From the day
27 it was referred to arbitration? So it
28 was not 90 days from the date the grievance
29 was lodged.

30 MR. COOKE: No.

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1 THE COMMISSIONER: What would
2 you say if you had a competent man go into
3 the plant itself and settle the argument
4 there and then?

5 MR. COOKE: If you are going
6 to have the thing arbitrated, then the faster
7 and more intelligent method of arbitration
8 the better.

9 THE COMMISSIONER: Then why
10 insist on arbitration?

11 MR. COOKE: I'm not, but
12 isn't that arbitration, were you not talking
13 about arbitration?

14 THE COMMISSIONER: No, I was
15 talking about the decision.

16 MR. COOKE: Well it's an
17 arbitrated decision.

18 THE COMMISSIONER: But you
19 have had that in some cases.

20 MR. COOKE: Yes, we have.

21 THE COMMISSIONER: It gets
22 rid of a thing at its inception and it is
23 not allowed to be blown up and it is given
24 in terms of a realistic appreciation of the
25 actualities of a situation.

26 MR. COOKE: I think if
27 matters have to be arbitrated, the faster
28 and more intelligent method of handling them,
29 the better.

30 THE COMMISSIONER: That would

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1 be sane to say, yes, I think we would all
2 agree to that. With hanging things over -
3 I understood there are hundreds of arbitrations
4 hanging in the air today. Will they actually
5 be pursued at any time?

6 MR. COOKE: Well, we have -
7 well, I don't know what will happen in the
8 long run. The Steel Company of Canada has
9 one answer and I don't know how long it will
10 be accepted. Where cases are referred to
11 arbitration and we are negotiating, they
12 insist that these matters be cleaned up
13 prior to the signing of a new agreement,
14 particularly - but not in every case, but
15 particularly - where there is any interpretation
16 of the language of the agreement. And this
17 has some logic. You should know what you are
18 signing on the day you sign the new agreement.
19 Even if you are going to fight about it from
20 then on in, you should know what you are
21 signing that day. So that we have had this
22 approach and it has cleaned up a lot, but
23 whether this is going to continue to work, it
24 is because it is pretty unsatisfactory. The
25 workers get the idea that when a committee
26 deals with arbitration in a large number
27 like this, and dealing with a section of the
28 collective agreement, that they cannot be
29 spending the same kind of intelligence and
30 the same kind of effort and the same kind of

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1 time on them that they would be if they went
2 to arbitration individually. They get to
3 feel that they are in a pot and this is no
4 good.

5 THE COMMISSIONER: Well, it
6 would seem to me that the arbitration that
7 was conducted on the plant floor, with everybody
8 interested around and stating the facts, with
9 a man who has the knowledge and intelligence
10 to appreciate what is said, would be a
11 common sense way of settling them.

12 MR. COOKE: Then you have
13 to get arbitrators who are mutually agreed
14 to it.

15 THE COMMISSIONER: Well you
16 have to have well-trained men, I agree.

17 MR. COOKE: But we don't
18 have those kind available to us.

19 THE COMMISSIONER: Well, I see
20 that your complaint against the government is
21 that it has taken away the judges.

22 MR. COOKE: What they have done
23 is set up a compulsory procedure with nobody
24 to carry it through. Now, I only say that
25 they vacillate on the matter of judges.
26 Frankly, I don't know that it is a fair thing
27 to load our judiciary with all the arbitrations
28 that are coming along. They have a fairly
29 heavy job as it is and I am not going to
30 argue to take it away from them, either, because

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1 I don't want to get them on that side of
2 the fence, but what I am saying is that I
3 think we need a lot more competent people.

4 THE COMMISSIONER: Well, I
5 think that is a sound suggestion. How are
6 you going to get them? Have you thought
7 about the course of instruction or the means?

8 MR. COOKE: Yes. As a matter
9 of fact, at one time, as a result of
10 representations that were made by labour,
11 we felt the Department of Labour was going to
12 get people together and moving on this kind
13 of thing and then it dropped off and I haven't
14 heard a thing about it. But this is a very
15 important need and I don't think that the
16 Department has proceeded. At one stage of
17 the game, from what they answered to us in
18 our briefs, and so on, and in further
19 discussions following our briefs.

20 THE COMMISSIONER: When would
21 that be?

22 MR. COOKE: Some three years
23 ago, sir.

24 THE COMMISSIONER: Well, I
25 must say that I think that is the answer in
26 almost all directions in an industrial society
27 today, you have to have a great deal of
28 training in the broadest sense of the term.

29 MR. POLLACK: Mr. Usher, have
30 you anything to add?

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1 MR. USHER: No. I was just
2 listening with some attention, and I know
3 mostly your Commission is dealing fundamentally
4 industrially and I am in the position that
5 I represent the segment of craft and, in our
6 case we have a different approach, sometimes,
7 on the negotiating across the table than
8 the industrial.

9 In the case of taking a craft
10 and determining a price, our governing policy
11 there, and we may be doing the same job -
12 for instance, I represent the theatrical
13 industry and motion picture projectionists
14 in general and, in this case, all the boys
15 are doing exactly the same work, but they
16 certainly aren't getting the same pay.

17 Now the only basis that we
18 have many factors that must go into it, is
19 to the type of operation, the theatre operation,
20 the availability of product that we are not
21 producing, but the availability of product,
22 the number of patrons they can expect or
23 hope to expect, and this is tabled down a
24 graduated scale and we are then determining
25 our top figure and our low figure and working
26 our members within this area. So that it
27 becomes a different type of arguing across
28 the table, actually.

29 THE COMMISSIONER: Well,
30 gentlemen, thank you very much for appearing

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1 today.

2
3 ---Short recess

4 MR. POLLOCK: Charles K.
5 Eleveld. Mr. Eleveld, you are a mystery
6 brief presenter. We haven't had the pleasure
7 of reading your brief, or really knowing very
8 much about what you wish to talk today, so
9 we will leave the presentation up to yourself.
10 You have copies of our terms of reference and
11 the agenda that I forwarded to you earlier,
12 so we would ask you to confine yourself to
13 those terms and carry on with your presentation
14 and speak loudly so that the gentleman on
15 my left can hear you - so that both of us can
16 hear you.

17 MR. ELEVELD: Thank you very
18 much. With respect for God: "With our release
19 of respect for regulations and the extended
20 freedom that stems from that, we are
21 getting to a stage where we have neither
22 respect for God, nor the devil." This, your
23 Worship, is your statement.

24 Mr. Stanley Ross of Peterborough
25 admits that here is a basic ingredient of
26 picket lines. We assert only that we have
27 done what we felt was required of us and
28 what we would have expected other responsible
29 citizens to have done under the same conditions.

30 Mr. Harrington of London claims

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1 that mass picketing is really intimidation
2 by mass. "I would be completely foolish if
3 I didn't admit this", he said, "But I feel
4 it is the only weapon the worker has.

5 Mr. Ross Russell from United
6 Electrical Workers explains the big stick
7 is not the first, nor the mean weapon. The
8 very last thing is violence. He says we
9 tell him somebody is going to get mad and
10 bash his head in. And Mr. Pollock asked
11 "Would you bash his head in?" and he replied,
12 "If the opportunity came along, someone would".

13 Walter Moore from Toronto claims
14 that he knew the man who committed arson
15 in burning a load of newsprint, threw Molotov
16 cocktails in windows and used baseball bats
17 to beat up workers at the strikebound newspaper.

18 Need I say Gaspe Copper, "Canadian
19 corpsmen, Steel Company of Canada" - these
20 statements came from dedicated union workers
21 who all had been in the union movement for a
22 long time. Consequently, we have no
23 alternative but to accept the fact that if
24 someone - whatever the reason - would cross
25 a picket line, has a good chance of getting
26 his head bashed in. This is the reason
27 why a few hundred men at the Steel Company
28 of Canada can turn back over 10 thousand
29 at the picket lines in a wildcat strike.
30 How can a police force of no more than 200

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1 control this mob? Mob rule is what you can
2 expect when they are emotionally swept up
3 by the heads of unions of one of the ways
4 to move a crowd is to buy bulletins issued
5 by unions. I have some here that I would
6 like to read to you. I have five but I
7 will skip the first two if that is okay.
8 Is it okay to use the company's name?

9 MR. POLLOCK: Yes, you can
10 read it and file it as an exhibit.

11 MR. ELEVELD: "To all owners
12 and employees: Scab drafting
13 in downtown halted, reported
14 to you in your leaflet
15 Tuesday morning that Ottis
16 Company had gotten an
17 outside engineering firm
18 to do scab drafting work.
19 This was traced to E.M.
20 Martin Associates in the
21 Pigott Building in downtown
22 Hamilton. The same morning
23 we put a picket line in front
24 of that building and handed
25 out leaflets. A copy of
26 that leaflet is being handed
27 to you along with this note."

28 Now this last line here is crossed out.

29 "We are pleased to report that
30 E.M. Martin Associates have

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1 notified us through their
2 lawyer, that they have fired
3 those who had been hired to
4 do the scab work and that
5 these activities will stop
6 forthwith. Having confirmed
7 this information, we removed
8 our picket line from the
9 affected place. As we said
10 in our leaflet Tuesday morning,
11 Ottis draftsmen will fight
12 back against strike breakers.
13 We have scored a big success
14 for ourselves, for you and for
15 all decent working people.
16 But there is more to be done
17 and your full cooperation
18 is requested. Our fight
19 is your fight. Our fight
20 is your fight. Collection
21 today, collection today,
22 collection today."

23 This is issued by the Draftsmen Association
24 of Ontario, October 20, 1966.

25 MR. POLLOCK: This will be
26 Exhibit No. 1, Mr. Eleveld.

27 EXHIBIT NO. 1:

Bulletin issued October
28 20th, 1966 by Draftsmen
29 Association of Ontario
30



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Toronto, Ontario

2073

1 MR. ELEVELD: "Management
2 of Otis Elevator
3 must be living in a dream
4 world. They still dream
5 of bullying or starving
6 their draftsmen into position.
7 They had better wake up.

8 Yesterday afternoon the
9 negotiating committee of the
10 draftsmen met the company.
11 After some preliminaries,
12 the draftsmen put before the
13 company a revised set of
14 proposals. We told the
15 company we were prepared for
16 genuine collective bargaining
17 with a view to reaching a
18 fair settlement.

19 Our main proposals to the
20 company are in these areas:

21 Strengthen job security -
22 this has to do with the
23 announced move to Burlington
24 and with regard to supervisors
25 and others doing our work;
26 also improved protection in
27 the event of lay-offs and
28 so on.

29 Improved overtime provisions
30 and no compulsory overtime.



1 Strengthen grievance procedures,
2 the right of an employee to
3 have the assistance of his
4 steward without being hamstrung
5 by management.

6 Bargaining unit certified
7 by the government, no hitch-
8 hikers with regard to dues.

9 Wages - company to supply
10 draftsmen with all necessary
11 information regarding
12 classifications.

13 An 18 month agreement starting
14 now - 10 per cent increases
15 retroactive back to May 1st
16 for all time work and another
17 10 per cent nine months from
18 now to all employees.

19 The company claims some are
20 already being overpaid.

21 Automatic progressions.
22 Instead of complete reliance
23 on the management's good will
24 for upgrading.

25 The above was put forward
26 to get real bargaining started
27 together with the items already
28 initialled; they could
29 form the basis for a settlement.
30 But the company is not yet



1 ready to engage in real
2 bargaining. They allow us
3 from Toronto the same one who
4 talks for the company in dealing
5 with the steel union. He,
6 again, did almost all the
7 company's talking. He had
8 nothing to offer us aside from
9 a phoney wage structure they
10 tried to scare us into taking
11 before the strike. They
12 will have to make big improvements
13 before they can settle this
14 strike and get the draftsmen
15 back to their drawing boards.
16 The draftsmen's Association
17 stands ready to engage in genuine
18 collective bargaining. Our
19 support grows.

20 Yesterday we also met with
21 representatives of more than a
22 dozen unions and they pledged
23 their whole support to the
24 striking Ottis draftsmen, adding
25 their strength to others who have
26 already given us great assistance.
27 We grow stronger every day.

28 Don't forget our collection
29 today. And don't ever forget
30 that our fight is your fight."

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1 This is October 27th, 1966.

2 MR. POLLOCK: This will be
3 Exhibit No. 2.

4 EXHIBIT NO. 2: Bulletin issued October
5 27th, 1966 by Draftsmen's
6 Association of Ontario.
7

8 MR. ELEVELD: "To all Ottis
9 Employees: Thank you. Thank
10 you for donating \$531.10 last
11 Thursday. Of this amount
12 \$304.45 was dropped into the
13 buckets at the gates by office
14 and plant employees. Another
15 \$226.65 was collected at the
16 meeting of plant workers the
17 same evening.

18 As you know, when the strike
19 started the company said they
20 would cut us and our families
21 off hospital, medical and
22 surgery coverage and cancel
23 our life insurance policies
24 unless the Association pay
25 Ottis Company \$1,216 in cash.
26 The agreement was to cover the
27 company's share of the 72
28 draftsmen as specified for
29 the month of October. By
30 pooling all our donations and



collections we scraped together
the amount demanded by the
company and we paid it.
Another installment is now
due.

YOU HAVE THE RIGHT TO KNOW,
since your donations helped
us, you have a right to know
that two of those for whom
we have been paying are now
SCABBING.

Tom Bamford and Colin McNeil.
These two creatures get \$30
a month more to sneak in and
do their dirty work. The
trail is not new. Judas
also did it for 30 pieces
of silver. They will be
treated with the contempt they
deserve now and forever.

Good news. As our friends,
we wanted you to know that
support for our strike is
going stronger every day.

In future leaflets we are going to
give you some of the details.

Our fight is your fight."

That is October 25th, 1966.

If you have had a lot of sickness
in the family, you cannot afford to go on strike.

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1 If you believe that no one should ever strike,
2 or if you think that working conditions are
3 satisfactory - in short, if you do not want
4 to strike - you have to discard these beliefs
5 or get your head bashed in.

6 I wonder if these two men felt
7 normal these days or maybe had wondered if this
8 was Canada, 1966 with the Bill of Rights and
9 the right to work? How many do you think were
10 afraid to go against the union? Even standing
11 here, myself, today, I have some fear that
12 maybe someone may not like what I am going to
13 say.

14 Today I can say that I have a
15 job and am not a member of a union and I do
16 not pay towards charity - at least not compulsory.
17 Where I work, we have a contract which is
18 neither a closed shop or a union shop nor a
19 Rand Formula shop. But there are not too many
20 who can say this. Normally, we have the
21 freedom of association and the right to work
22 but in theory only. In practice, the trade
23 union movement has been successful in imposing
24 the rule that men cannot work unless they
25 belong or support a union. This inconsistency
26 between theory and practice is the more
27 puzzling as the unions are normally defenders
28 of the worker's freedom and welfare. They
29 are the champions for the right of the weak
30 and the few and opposed to any kind of slavery.



1 They underline the Bill of Rights
2 which claims that one of the freedoms we have
3 is freedom of association.

4 Also, the United Nations universal
5 declaration of human rights which says boldly
6 that no one may be compelled to belong to an
7 association, that is article 27.

8 Many times I have heard the
9 expression that a closed shop is the most
10 popular protection racket going today. He
11 who favours compulsory unionism will be very
12 unpopular if they would openly take issue
13 with the freedom to work and the freedom of
14 association. This is the reason the term
15 "compulsory unionism" is out, and union
16 security is in.

17 I admit it sounds better, but
18 the real meaning may as well be an open
19 challenge to the Bill of Rights.

20 In the provinces of Canada, except
21 Saskatchewan, compulsory union memberships
22 are subject to negotiation between the two
23 parties. The Saskatchewan Trade Union Act
24 states that it becomes mandatory to grant
25 union shops to unions at its request if it
26 has the majority of employees as members. This
27 almost certainly stems from the lengthy run
28 of the C.C.F. or N.D.P. party in this province.

29 We feel that any worker should
30 be free to offer his services to any employer



which claims that one of the freedoms we have
is freedom of association.
Also, the United Nations Universal
Declaration of human rights which says boldly
that no one may be compelled to belong to an
association, that is article 20.
I have heard the
expression that a closed shop is the most
popular protection racket going today. He
who favours compulsory unionism will be very
unpopular if they would openly take issue
with the law. This is the reason the term
"compulsory unionism" is used.
security is in.
I admit it sounds better, but
the real meaning may as well be an open
challenge to the Bill of Rights.
In the provinces of
are subject to negotiation between the two
parties. The Saskatchewan Trade Union Act
states that it becomes mandatory to grant
union shops to unions at its request if it
has the majority of employees as members. This
almost certainly stems from the lengthy run
of C.C.F. or N.D.P. party in this province.
We feel that any worker should
be free to offer his services to any employer

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1 who wishes to use him without the interference
2 of church, union or anyone else.

3 A man is, first of all, responsible
4 to God and secondly he has a social aspect that
5 he has created in fellowship with other men
6 and not an island by himself. As a Christian
7 we know of the way to live, we know of a way
8 to work and a way to associate with fellow men
9 that differs from others. In all this, even in
10 the structures of society, lies the man's
11 faith in what is the truth.

12 The point I wish to make is
13 this: There are two ways of life and one
14 we are saying: "Speak, Lord, Thy servant hears"
15 and the other is "God has nothing to do with
16 my work. I am on my own".

17 It is this vital difference
18 among men in their attitude towards their work
19 and their union that sets us apart. That is
20 why there has to be freedom for all to choose
21 as they please to bring this difference of
22 expression. It does little good to have the
23 freedom to think as he pleases, but to act in a
24 uniform way. This is not freedom. I wonder
25 if you can call it discrimination when the
26 union calls a meeting on Sunday? It does happen.

27 Whenever a man tries to impose
28 on us a pattern of life or belief on all of us,
29 whether done in the name of pope, emperor, race or
30 class, injustice must result.



1 This is the reason why diversity
2 should be allowed and welcomed and that
3 workers should be able to choose freely whether
4 to join a union, association, church or
5 whatever he feels is right for him.

6 Already I hear you think it
7 sounds okay, but it is impossible. This
8 would mean that today's society would be
9 transformed into a battle ground where
10 groupings and organizations with conflicting
11 convictions will wage war against each other.
12 I do not think so, but then, how? The only
13 way is to be willing to forego any kinds of
14 absolute power and absolute control. This
15 willingness must be connected to an attitude
16 of tolerance. The tolerance that exists
17 and thrives on respect for honest convictions
18 of others. The kind of tolerance mentioned
19 by the Right Honourable, the former Governor
20 General Vincent Massey, when he said "May I
21 suggest that we, in Canada, are in danger
22 that we always will be in danger of permitting
23 a strong and courteous toleration of essential
24 differences to fall into a timid
25 indifference to what we regard as essential
26 truth".

27 We are apt to avoid argument
28 over these matters ~~that~~ need to be resolved
29 by discussion - friendly, but frankly, and
30 vigorous - by debate with no quarter given



1 on either side.

2 We are in grave danger of
3 confusing debate and argument with quarrel
4 and dispute. The error is a serious one.
5 Honest and frank and forward debate is not
6 a prelude to a quarrel but an alternative
7 to it.

8 Toleration, we say again, is
9 not indifference and is not timid
10 it is the fruit of the honest clearing of
11 differences; without a frank exchange it becomes
12 a weak and negative affair.

13 In short - the Canadian who
14 truly loves his fellows is the one who is
15 prepared on suitable occasions to tell him,
16 quite frankly, that he thinks they are wrong
17 and why. Canadians, say our American friends,
18 are too polite to argue. Let us be honest.
19 We are not too polite. No one can be too
20 polite, but we must be too lazy and too timid.
21 So much for the quotation of Mr. Massey.

22 When this period of tolerance
23 is lacking, when men set up their organizations
24 as exclusive and endowed with monopoly powers
25 as the labour unions which demand that all workers
26 must join them or lose their rights to work, then
27 there is something wrong. The right to work
28 no more guarantees employment than the right
29 to marry or have children, to become a millionaire
30 or to seek happiness. But it guarantees the



1 fulfilment of all these aspirations to everyone.
2 Very few attain all these goals and many
3 realize one or two and some none at all, but
4 the freedom to attain these goals are not
5 affected. It is exactly like the right to
6 work. We should always demand and recognize
7 this value of freedom. Is there a way out?
8 The government derives its authority from God.
9 It is to uphold justice for all. In doing
10 so, it must be aware that its task and authority
11 are not absolute but qualified by nature of
12 its task.

13 This state may not be all-
14 embracing, although in some sense, it has
15 an all-embracing quality. The danger lies
16 in that the state will acquire absolute power.
17 It embraces all citizens within its borders
18 without exceptions. It is to tax and
19 administer justice within its borders but
20 despite this, it is not all-embracing. On
21 the contrary, it must protect the rights and
22 freedom of its citizens so that they can live
23 free from outside interference.

24 The state also must recognize
25 the existence of free institutions within its
26 borders. It must guarantee freedom and
27 independence of such institutions. The state
28 is responsible for maintaining the framework
29 that allows free persons and free institutions
30 to develop. This, of course, is within the



1 boundaries of the law. If the law is not
2 that far-reaching, then it should be altered.
3 This state must see to it that the balance
4 between the various interests is maintained
5 so that the weak are not employed by the
6 strong and the few by the many. This calls
7 for impartiality. The state cannot become
8 the tool of one party or one group for the
9 attainment of its goals only, but it must
10 be concerned with maintaining justice and
11 liberty for all.

12 If the superior power of the
13 employer is used as it has been in the past
14 to suppress the worker's freedom, the state
15 must intervene and see to it that their
16 freedom is restored. But it cannot go any
17 further. It has no authority to legislate
18 either directly or indirectly. Granting the
19 union the power to compel workers to join
20 their ranks. If it does legislate this law, it
21 will rob us of our civil rights and right to
22 work.

23 It is my sincere desire that
24 the day soon will come when all Canadians shall
25 enjoy equality of opportunity in this great
26 country of ours so that we, race, colour and
27 creed - all of us - have the opportunity to be
28 of some service to Canada in harmony with
29 our respective belief. We shall welcome
30 that day, for it will mark the end of intolerance,

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1 the end of discrimination, the end of
2 dictatorship and the beginning of freedom
3 and justice for all.

4 For many Canadians, it will be
5 the beginning of a long-awaited opportunity
6 to fulfil their God-given calling and liberty.

7 Thank you, sir.

8 THE COMMISSIONER: Well, Mr.
9 Eleveld, I am much obliged for this statement
10 of yours. It contains some very enlightening
11 precepts.. Thank you very much, sir.

12 ---Adjournment.
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BINDING SECT. OCT 20 1967

